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*Prep*

NEW YORK STATE DEPARTMENT OF LABOR

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ANNUAL REPORT

OF THE

New York (State)

"INDUSTRIAL COMMISSION

FOR THE TWELVE MONTHS ENDED JUNE 30,

1917

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TRANSMITTED TO THE LEGISLATURE APRIL 11, 1918

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# STATE OF NEW YORK

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No. 57.

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## IN ASSEMBLY

APRIL 11, 1918

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### ANNUAL REPORT OF THE INDUSTRIAL COMMISSION

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STATE OF NEW YORK

DEPARTMENT OF LABOR

ALBANY, April 11, 1918

To the Legislature:

Pursuant to law, the annual report of the Industrial Commission for the twelve months ended June 30, 1917, is herewith submitted.

Respectfully,

JOHN MITCHELL,

*Chairman;*

EDWARD P. LYON,

LOUIS WIARD,

JAMES M. LYNCH,

HENRY D. SAYER,

*Commissioners.*

By the Commission:

W. S. COFFEY,

*Secretary.*

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(RECAP)

HB 8053  
N74  
1916/17



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**PART I**  
**REPORT OF COMMISSION**

[7]



## REPORT OF THE INDUSTRIAL COMMISSION

*To the Legislature:*

The Industrial Commission herewith submits its annual report for the fiscal year ending June 30, 1917. In accordance with the requirements of section 46 of the Labor Law, separate reports are submitted herewith of the operation of the various bureaus of the Commission. Specific reference to the work of those bureaus will not here be made. Following the practice established in the Commission's reports for 1915 and 1916, the report of the condition of the State Insurance Fund is made for the calendar year rather than for the fiscal year. That report, therefore, is for the year ending December 31, 1917, which corresponds with the reporting period of all the stock and mutual companies, which like the State fund, must report upon their condition to the State Superintendent of Insurance.

The work of the Department is well in hand and each bureau will be found to be working at the maximum capacity. The Department continues to suffer at times by reason of an inadequate force. Appropriations for the present fiscal year are very generously in excess of last year's appropriation, but the appropriations for additional force are not equal to the added responsibilities placed on the Commission by the enactment of new laws and amendments of the existing statutes.

A table is annexed hereto setting forth the amounts appropriated and expended together with a statement of the cost of administering the Workmen's Compensation Law and managing the State Insurance Fund. The latter items are important, inasmuch as the total cost of administering the Compensation Law has for the first time been assessed upon all the insurance carriers and refunded into the State treasury, while the State Fund has paid back to the State, out of its premium income, the entire cost of managing its affairs.

Through these two items, therefore, the State has received approximately a half million of dollars and the Workmen's Compensation Bureau has been at last placed on a self-sustaining basis, and without expense to the State.

### ORGANIZATION

On February 13, 1917, the former Secretary of the Commission, Henry D. Sayer, of Queens county, took office as a member of the Commission, appointed by the Governor for the full term of six years, to fill the vacancy created by the expiration of the term of William H. H. Rogers.

The Commission appointed William S. Coffey, of Westchester county, as Secretary of the Commission in place of Mr. Sayer.

No other change has been made in any of the administrative officers of the Department. There have been numerous changes in the personnel of the various bureaus. Employees who have been trained up in the work of the Department and who have become thoroughly familiar with the various provisions of our laws and the practice of the Commission, have been enticed into private employment at higher salaries than the Commission has been enabled to pay, with the result that the work of the Commission has greatly suffered and it has become increasingly difficult to obtain and retain competent clerical assistants. In these times of high costs and increased living expense, the Commission has been unable to hold its own in competition with private employers, and unless some greatly needed increases are allowed in the salaries of faithful and competent employees, the public service is going to suffer very greatly.

The Commission has also lost a large number of its faithful employees, who have gone into the Army or Navy of the United States. The Commission desires to here record its sense of obligation to those who have gone in answer to their country's call to fight the battles of democracy.

### INDUSTRIAL COUNCIL

The members of the Industrial Council continue to serve the Commission in an advisory capacity in an unselfish and whole-hearted manner. Again the Commission desires to call attention to the present provision of the law whereby the Council members are debarred from receiving any remuneration for their services or any reimbursement for their necessary traveling expenses. The Commission believes it unfair to expect either the labor members or the employer members to give their services to the State

at their own expense or at the expense of their organizations. Adequate provision should be made for a modest per diem allowance for days actually spent in service, together with their expenses.

Changes in the personnel of the Council have been made as follows:

Martin H. Christopherson, of Yonkers, appointed in place of Irving T. Bush, of New York, resigned.

Theron S. Atwater, of New York, appointed in place of Edward J. Barcalo, of Buffalo, resigned.

The Chairman of the Council, J. Mayhew Wainwright, of Port Chester, resigned to enter the military service of the United States. In his place Commissioner Sayer, of the Industrial Commission, was elected Chairman.

#### WAR PROBLEMS

At every point in the industrial field the war has created new and perplexing problems. While armies are being raised and trained and ships built to transport them and their supplies, the factories of the country have been strained to their utmost to produce the vital and necessary equipment and ordnance. The great problem is to procure maximum production with a minimum of disturbed conditions. It has been demonstrated by the experience of other countries since the beginning of the conflict that the maximum of production in the long run cannot be produced by increasing the hours of labor, nor by depriving the workers of their day of rest each week. Notwithstanding this an effort was made to place in the hands of the Commission the power to suspend any provision of the Labor Law under certain conditions. This effort, however, did not succeed and the Commission has no such broad powers as were sought to be placed upon them.

Very great difficulty has, however, been experienced in the proper application of subdivision 5 of section 8-a of the Labor Law. Under that provision numerous applications have been made to the Commission for variations permitting certain firms or corporations to employ certain of their employees for seven days in the week. Early in the year the Commission adopted

the policy of requiring each applicant, when the basis of the application was war work for the government, to file with the Commission a certificate of approval signed by the head of the Federal department responsible for the execution of the contract. Such approvals have been granted very sparingly. In cases where such approvals were obtained and filed with the Commission, hearings have been held in accordance with the provisions of our law.

In adopting this procedure the Commission has sought not only to comply strictly with the spirit and intent of the New York law, but has also endeavored to treat the labor problem as one having a national, as well as a purely local, aspect, and has endeavored to prevent profiteering in the labor of men's hands, and the health and well-being of the workers.

#### WAR SERVICE

In the early days of the war, the Legislature created a State Defense Council, under the chairmanship of the Governor, to make investigations with respect to and to develop the man power of the State, and its resources both of a military and an industrial character. The policy of the State Defense Council was to utilize all existing State agencies, and, if necessary, to expand them, rather than to create new agencies that might duplicate or work at cross purposes with the existing departments of the State. In pursuance of that policy, the State Defense Council has called upon the Industrial Commission on frequent occasions for service. One of the members of the Industrial Commission was designated by the Defense Council as Chief of its Industrial Division, to serve without compensation. In this manner the work of the Commission was most closely coordinated with the work of the State Defense Council, and as matters relating to industry and war production arise, they are handled through the existing agencies of this Commission.

The experts of the Department are, therefore, at the call not only of the State authorities dealing with the war, but they are brought into the scheme of national defense, through requests for information or for action that come from the Council of National Defense through the State Council of Defense.

### **EMPLOYMENT**

One of the questions which has been brought to the very forefront of public consideration has been that of employment. At every turn of the program to speed up industry and to increase our output of war supplies, the question arises as to procuring an adequate supply of labor. There is not the usual over abundance of labor to take all the jobs that are opening up from day to day. It has been a rather prevalent belief that the great drafts upon our man power to supply the military and naval forces have robbed industry of so large a number of its skilled men as to seriously cripple many of our indispensable plants. Military service has unquestionably affected every line of industry and in some individual cases has caused a very considerable hardship. But the Commission has not found that it has produced any such acute labor shortage as has been frequently asserted. Not only military service, but also the practical stoppage of immigration have combined to make the labor supply greatly unsettled. None the less, our employment offices have continued to report large numbers of able-bodied men out of work, applying to them for jobs. This is more true in some sections or localities than in others, and the question we are faced with seems to be one rather of poor distribution of labor than of an actual shortage.

With this condition to be met, however, and with an increasing amount of necessary government work being done in New York, it is very evident to the Commission that the present facilities of the Bureau of Employment are wholly inadequate. The Bureau, since its establishment in 1914, has had a slow growth as to size, but a very solid and substantial growth in the service it has been able to render in the various communities it serves. New York State should have several employment agencies in addition to those already established. At least six additional offices should be opened, but realizing the great demands for appropriations in a time of emergency such as the present, the Commission is asking only for three. We, therefore, recommend to the Legislature that funds be appropriated to establish employment offices in the cities of Utica, Binghamton and Watertown, where the present need seems to be greatest.

The question of employment has aroused the authorities at Washington and recently there has been organized a Federal

Employment Service in the United States Department of Labor, as a war measure, to extend the service in states requiring Federal aid. It is the earnest hope of the Commission that Federal aid will not be necessary to establish the service that the national government feels should exist in New York.

#### CLEARING HOUSE FOR EMPLOYMENT

Through the action of the State Defense Council, there has been established in New York City a Clearing House for Employment Agencies. This is supported in part by the State Defense Council and in part by the Mayor's Committee of New York City, and is under the general supervision of the Director of the Bureau of Employment and the Commissioner in charge of that Bureau. So far as the Commission is aware, this Clearing House is the first of its kind to be established in this country and it is modelled somewhat upon the English system. With it are connected very nearly all the non-commercial employment agencies of the city, more than fifty in number, and including the State and municipal offices. Through the Clearing House it is planned that each agency shall report all unfilled orders for help, together with all unplaced applicants for work. Through the assembling of this information the Clearing House is able to locate jobs for many of those looking for them or to complete orders for help that could not be filled by the office which originally received the order. In this way an applicant for a job at one office has available to him not only jobs that are open in the office he happens to apply to, but if that office can not place him he may be placed through the Clearing House in a job that is open in another office. While the Clearing House has not been in operation for more than a few months, it has placed a large number of persons and has rendered effective service to the employers and employees alike. The service that it is rendering is likely to increase very much as it becomes better known in the community.

#### WORKMEN'S COMPENSATION LAW

The most significant developments in relation to the Workmen's Compensation Law during the past year, are three decisions of the United States Supreme Court. In the first (N. Y. Central R. R. Co. vs. White, 243 U. S. 188) the highest court in the

land upheld the constitutionality of the law and forever put beyond the realm of dispute the validity of the New York Statute as a whole.

In another case (N. Y. Central R. R. Co. vs. Winfield, 244 U. S. 147) the United States Supreme Court held that the New York law has no application in the case of workmen who at the time of injury are engaged in work of an interstate nature or connected with interstate commerce. As to such workmen, the court held that their sole remedy lay in the Federal Employers' Liability Law.

The third decision, and in some respects the most important, is that of (Southern Pacific Co. vs. Jensen, 244 U. S. 205), in which the court reversed the New York courts and held that the New York statute has no application to the work of employees whose employment is of a maritime nature. This affected not only workers on vessels upon the high seas and the navigable waters of the State, but also seemingly applies to all longshore work, dock labor, and stevedoring. This it will readily be understood affects a vast number of workers at the port of New York, as well as at Buffalo and other lake ports. In pursuance of the court's decision, hundreds of awards heretofore made had to be vacated and set aside, and the claimants were compelled to enter the admiralty courts to enforce any rights they might have, or to bring actions in the common-law courts of the states.

Since this decision affected all maritime states, conferences were held to ascertain how best to meet the situation, and an amendment to the Federal Judiciary Code was drafted and enacted by the Congress, whereby Congress expressly reserves to claimants in admiralty the right to elect to pursue such rights as may be conferred by the states in the enactment of workmen's compensation laws.

In order, however, that there may be no question of the rights of New York workmen under our Compensation Law, the Commission recommends that the Legislature promptly reenact Groups 8 and 10 of section 2 of the law, providing for workers on vessels and for longshore work. This action is very necessary to revitalize those provisions of the law that were declared invalid by the Supreme Court, but which may now be enforced in view of the recent enactment of the Congress.

The Commission will prepare and submit to the Legislature for its consideration other bills looking to the amendment of the Compensation Law in important particulars. Probably the most important amendment that is now urgently needed relates to section 18 of the law on the question of notice of injury which is required to be given to the employer. The provision of the law requiring written notice to be given within ten days has been found to work most harshly and unjustly in many cases, and when strictly construed operates to deprive many workmen of compensation in otherwise very worthy and needy cases. The Commission believes that the time within which the notice must be given should be lengthened to thirty days, and that greater latitude should be granted to the Commission in excusing failure to give written notice.

Revision of section 13, with respect to medical service, should also be had. The present situation works most unjustly in many cases and it is a fruitful cause for complaint and dissatisfaction. Many employers and insurance carriers have so organized their medical service and are so liberal in applying it, that their course is highly commendable, but as to the general course of the medical service there is much to be desired.

The Commission also proposes to submit an amendment to the law to cover all employments of every kind and nature, except only farm and domestic service, where more than four persons are employed by the same employer. With such an amendment, disputes as to coverage will practically disappear, and by reason of the more general application of the law, the burden of compensation will be more equitably spread and discriminations avoided.

For the work of the Compensation Bureau and statistics of cases, reference is made to the report of the Second Deputy Commissioner annexed hereto.

#### STATE FUND

The report of the State Insurance Fund covers the calendar year from January 1, 1917, to December 31, 1917. This allows for a full year's review of its work, conforms to the method of making former reports and makes possible comparisons, not only with former reports of the Fund, but with the work of other com-

pensation insurance carriers. The marked increase in investments of the Fund consequent upon the large volume of business done, demonstrates that employers are increasingly becoming aware of the pecuniary advantage of a method of insurance at actual cost, without the necessity of adding to premiums a considerable percentage for acquisition costs, and for the purpose of paying dividends to stockholders of stock corporations. Actuarial calculations according to rule approved by the Superintendent of Insurance show that the Fund's reserves are ample to carry all claims to maturity. The investments and cash on hand on December 31st show a net increase for the year of more than \$900,000 partly due to increase in business written and increased rates and partly to a vigorous drive to secure proper payroll audits.

The following is a condensed statement of assets and liabilities as of December 31, 1917:

ASSETS	
Investments (market value).....	\$2,680,155 00
Cash.....	382,517 83
Policyholders' account (net).....	477,601 43
Accrued interest.....	34,780 48
Outstanding audit additions (net).....	179,206 91
 Total.....	 <u>\$3,754,261 65</u>
LIABILITIES	
Loss reserves.....	\$3,020,862 22
Deferred claims expense.....	90,625 87
Premium reserve.....	108,109 28
General expense accrued.....	135,982 08
Surplus to policyholders*.....	398,682 22
 Total.....	 <u>\$3,754,261 65</u>

The Fund made an increase in its rates coincident with that made by the stock and mutual companies, all of whom found, as the Fund did, that the great advance in industrial activity increased the loss ratio. The increase in rates, while not effective for the whole year, was adequate as the result shows.

The management believes that the actuarial calculations are most conservative, as they should be, and with conservative methods and careful study of valuable experience which it is accumulating, the Fund looks to the future with confident hope of

\* Includes statutory catastrophe reserve, \$373,134.06.

rendering enlarged service to the increasing body of employers who, being compelled to carry compensation insurance to protect their employees, look to the State to furnish it at bare cost.

Like most business concerns, the Fund has been hard hit, in the efficiency of its working force, by war conditions. Many of its employees are in the federal service, and the great advance in salaries due to war conditions has induced some of the best men to leave the Fund. Still again, other and competing insurance carriers are able by offers of pecuniary advancement to entice men away from the Fund, usually the most valuable members of the force. The Fund, therefore, has a competition for employees as strenuous as that for business. And this is a competition in which the Fund is seriously handicapped, since it cannot advance salaries, no matter how deserving the employee or how indispensable his service, because it must work under an inelastic budget, fixed nearly a year and a half in advance, thus making it impossible to meet changing conditions of business.

The Fund has for a considerable period been reimbursing the State for its expenses so that it has been no burden upon the State, the budget allowance being a mere advancement, to be later repaid out of premium income.

It is recommended that the Fund be allowed to pay its expenses, in the first instance, out of premium income. This would allow the management to adjust salaries to meet the situation created by the war activities and would, to that extent, reduce the Department's budget, it being necessary under the present statute to raise by taxation a very considerable sum for advancement to the Fund, to be returned later out of premium income. It is a business proposition and the Fund should be allowed, like any other carrier, to treat it as such.

In some instances employers in hazardous industries have a very small percentage of employees subject to the admiralty jurisdiction or otherwise wholly within the jurisdiction of the Compensation Law. Brokers seize upon this as a pretext to induce the employer to withdraw from the State Fund, because the stock companies can write a policy covering all liability in connection with injuries to employees. While the added risk is almost negligible, the argument that the Fund does not give complete

coverage is strong enough for competitive purposes to put a very serious handicap on the Fund in securing and holding business, particularly as the Fund employs no brokers.

It is recommended that the law be so amended as to permit the Fund to cover in connection with compensation liability, any incidental liability outside the Compensation Law.

#### FACTORY INSPECTION

Prior to the entrance of the United States into the great war, but more especially since April 6, 1917, there has been a very considerable addition of employees to factories, shipyards and other interests engaged in the manufacture of munitions, first for the Allies exclusively, and then for the United States and her Allies, together with additions to plants, rearrangement of machinery, and employment of women, all adding to the ordinary task of the Bureau of Inspection, but this Bureau has met its augmented work with courage and determination, based on the knowledge that with the system that has been worked out the Bureau would be able to cope with the additional work. The Commission is able to say, therefore, at the time of the writing of this report, that the prospect is good for completing within the year inspection work and the visits that are made to check up compliance with orders previously issued. It is true that the accident ratio as determined by compensation payments and records has risen, but analysis of the figures shows that the greater part of this increase has been in that portion of industry not under the jurisdiction of the Bureau of Inspection, nor in any way subject to the safety orders of the Commission as required by the Labor Law.

The Commission also desires to record its appreciation of the cooperation that has been extended to it by employers and employees of factories and mercantile establishments, and this has been especially true of the two great organizations in this State that represent capital and labor. This cooperation was especially pronounced in the success that attended the Second Industrial Safety Congress, held in Syracuse last December. There was manifest at that Congress a disposition and determination to so coordinate the forces of employer and employee and the Commission as not only to bring to the discussion of the

problems presented, the most noted students of industrial safety and welfare work, but to thereafter apply to actual conditions the advice given by these experts in the papers read at the Congress. The First Industrial Safety Congress was a very successful gathering, but the Second Industrial Safety Congress was even a greater success, and it is hoped that the Third Industrial Safety Congress, to be held in Syracuse in December, 1918, may make a better record.

One of the duties of the Commission is to compile codes for application to particular industries, to the end that dangers may be eliminated and advanced thought as to ventilation, sanitation, lighting, etc., may be applied. It is a very necessary work and these codes and changes in the law add materially to the duties of the Bureau of Inspection. To meet this the Legislature has from time to time provided for additional inspectors to cope with the additional requirements, and for this the Commission is deeply appreciative. It should be pointed out, however, that the need for additional inspectors will continue as the work of the Bureau of Inspection develops. Labor laws mean nothing unless there is intelligent and persistent enforcement. That is the work that the Commission is trying to do, and as to which it takes pride in announcing it has achieved a very high degree of success.

The Bureau of Boilers and Explosives has given a good account of itself for the year covered by the report. It has been an exceptionally active year for this Bureau, for it has been necessary for its personnel to exercise continual vigilance in the safeguarding of magazines containing explosives and in the inspection of boilers, to the end that explosives might not get into the possession of evilly inclined individuals and that boiler explosions might not wreck or impede industries necessary to our successful prosecution of the war. With a limited inspection force and with a constantly growing field the Bureau has made an enviable record. In addition to its usual work there has been added the examination of boiler inspectors employed by insurance companies, and about two hundred of these inspectors have taken these examinations and have been issued certificates of competency by the Industrial Commission. The new boiler code has also added to the responsibilities of this Bureau. But it is felt

that the examination of insurance companies' inspectors and the new code have resulted in a materially safer condition in so far as boilers are concerned. The Commission will cause to be introduced in the Legislature an amendment to the law, placing all boilers under the jurisdiction of the Commission. This is a necessity, for it must be apparent that we have only 50 per cent of safety when an inspection is made of a boiler in a factory and no inspection is made of the boiler in the adjoining building not used for factory purposes. Safety for life and property would seem to establish the wisdom of the proposed amendment.

#### IMMIGRATION

Immigration has fallen off to the lowest point that has been reached in many years. From European points there is practically no immigration. Notwithstanding this fact, the Bureau of Industries and Immigration had a busy year. Not only has the Bureau been active in seeking to protect the rights of aliens resident in the State, but it has been called upon for a great deal of activity on account of the war. The new laws passed by Congress and various proclamations of the President defining the status of enemy aliens, and prescribing regulations for their conduct, have called for much work from the Bureau, both as a center for information for aliens, and giving advice and assistance in deserving cases. Moreover, the information in the files of the Bureau and the work of its investigators have been of value in assisting the government in checking evilly disposed persons. The Bureau has freely offered its services to the government for any work in which it is able to assist.

Shortly after the entry of this country into the war, much unrest, suspicion and distrust became manifest among aliens. They were very uncertain of their status; rumors spread among them that they were to be interned; that their positions were insecure and that their savings in banks were to be confiscated by the government. To offset this condition of affairs, reassurance meetings were held in many cities of the state with a large alien population. These meetings were under the direction of the Bureau of Industries and Immigration and the alien population was invited to attend. The meetings were addressed by persons

in the various languages of those present. Extracts from the proclamations of the President and of the Governor of the State were read and the status of peaceful aliens in this country was defined. Public authorities in various sections and many employers reported to the Bureau that as a result of such meetings, the alien population had become markedly quieted and that much of the unrest previously manifested had subsided.

#### BUREAU OF INDUSTRIAL CODE

The Bureau of Industrial Code, working in conjunction with its advisory committees, has made good progress on a number of codes in the course of preparation. Since the last report of the Commission, the Bureau has reported and the Commission has adopted a set of rules relating to smoking in factories pursuant to Section 83-C of the Labor Law. A very elaborate and comprehensive set of rules has also been adopted for the regulation of steam boilers in the State. In the main, the Boiler Code conforms to the code of rules adopted by the American Society of Mechanical Engineers with such modifications as were found necessary to adapt that code to conditions in New York State.

Respectfully submitted,

JOHN MITCHELL,

*Chairman,*

EDWARD P. LYON,

JAMES M. LYNCH,

LOUIS WIARD,

HENRY D. SAYER,

*Commissioners.*

By the Commission:

W. S. COFFEY,

*Secretary.*

## REPORT OF THE INDUSTRIAL COMMISSION, 1917

23

## FINANCIAL STATEMENT FOR PERIOD FROM JULY 1, 1916 TO JUNE 30, 1917

## APPROPRIATIONS

Unexpended cash balance June 30, 1916.....	\$284,678 86
Appropriation, chapter 646, part 1, Laws 1916.....	1,139,784 00
Appropriation, chapter 181, part 2, Laws 1917.....	30,737 01
	<u><u>\$1,455,199 87</u></u>

## PAYMENTS AGAINST APPROPRIATIONS

July, 1916.....	\$96,492 23
August.....	119,244 85
September.....	97,659 41
October.....	107,938 94
November.....	98,132 02
December.....	97,324 46
January, 1917.....	106,904 29
February.....	75,830 28
March.....	99,327 47
April.....	84,048 03
May.....	114,181 00
June.....	<u>90,168 47</u>
	<u>1,187,251 45</u>
	<u><u>\$267,948 42</u></u>

## Balances lapsed:

## Appropriations:

Chapters 725 and 726, Laws 1915.....	\$137,000 00
	<u>34,070 85</u>
	<u><u>\$171,070 85</u></u>
Labor Department, special.....	712 01
Chapter 646, part 1, Laws 1916:	
Personal service.....	\$25,699 51
Traveling.....	6,000 00
	<u>31,699 51</u>
	<u><u>203,482 37</u></u>

Cash balance, June 30, 1917.....	\$64,466 05
Deduct:	
Subsequent payments, July 1, 1917 to December 31, 1917.....	\$54,089 46
Requisitions outstanding, December 31, 1917.....	8,306 26
	<u><u>62,395 72</u></u>
Unmortgaged cash balance.....	<u><u>\$2,070 33</u></u>

## CLASSIFIED EXPENSES BY BUREAUS AND

BUREAU OR DIVISION	Personal service	Special service, etc	Traveling	Postage, express, etc.
<b>ADMINISTRATION</b>				
General.....	\$48,463 40	\$96 40	\$4,186 23	\$1,008 44
Legal.....	33,383 05	320 30	2,026 90	388 50
Bureau of Secretary.....	30,262 93		534 14	514 81
Bureau of Secretary — Albany.....	14,025 00		496 09	2,765 85
Division of Cashier.....	11,760 73		110 47	969 82
Division of Accounts.....	12,961 22		11 90	48 60
Total — Administration.....	\$150,856 33	\$416 70	\$7,365 73	\$5,696 02
<b>BUREAU OF WORKMEN'S COMPENSATION</b>				
General.....	\$13,005 00		\$221 04	\$290 70
Brooklyn office.....	7,976 66		128 50	102 75
Albany office.....	7,490 00	501 00	1,026 06	114 89
Syracuse office.....	8,719 04	186 80	1,408 69	365 93
Rochester office.....	7,562 50	42 24	643 24	354 47
Buffalo office.....	7,380 65	666 00	466 03	376 02
Division of State Insurance Fund.....	\$112,827 45	\$21,515 82	\$5,136 93	\$4,530 58
General.....	\$81,300 31	\$21,515 82	\$4,867 54	\$4,508 28
Subdivision of Actuary.....	16,164 64		29 30	86
Subdivision of Inspection.....	11,962 50		153 63	33
Medical subdivision.....	3,400 00		86 46	2 00
State Insurance Fund — Albany.....				28 11
Division of Claims.....	\$85,297 67	\$6 00	\$362 72	\$8,474 66
Division of Claims — Albany.....	22,134 81			2,688 78
Medical Subdivision.....	8,851 39		398 22	45 29
Total for Bureau.....	\$281,225 17	\$22,917 86	\$9,799 43	\$17,352 87
<b>BUREAU OF INSPECTION</b>				
General.....	\$11,796 89		\$3,286 61	\$27 74
Division of Factory Inspection.....	\$201,766 54	\$5 00	\$31,912 85	\$3,297 48
General.....	\$122,723 19		\$15,188 72	\$1,889 13
Albany office.....	32,542 83		6,097 93	889 14
Utica office.....	17,072 30	\$5 00	5,216 36	30 19
Rochester office.....	13,656 49		2,736 98	253 27
Buffalo office.....	15,771 73		2,672 86	235 75
Division of Homework Inspection.....	\$24,418 35		\$3,059 48	\$587 30
Division of Mercantile Inspection.....	34,884 58		5,564 08	839 22
Division of Industrial Hygiene.....	12,424 33		2,730 07	3 42
Subdivision of Engineering.....	4,256 43		32 91	22 67
Subdivision of Engineering — Albany.....	4,445 82		53 70	160 70
Total for Bureau.....	\$293,092 94	\$5 00	\$46,639 70	\$4,938 53
<b>BUREAU OF EMPLOYMENT</b>				
General.....	\$5,561 29		\$741 55	\$613 81
Brooklyn office.....	11,777 41		2 35	349 40
Albany office.....	4,242 50			86 05
Syracuse office.....	6,567 32			109 95
Rochester office.....	5,628 33			182 58
Buffalo office.....	5,941 36			87 77
Total for Bureau.....	\$39,718 21		\$743 90	\$1,429 56

## REPORT OF THE INDUSTRIAL COMMISSION, 1917 25

DIVISIONS, JULY 1, 1916 TO JUNE 30, 1917

Printing and advertising	Supplies	Rent	Telephone and telegraph	Surety bonds	Furni- ture and fixtures	Repairs books, etc.	Total
866 52	\$260 91	\$3,925 96	\$531 67	.....	\$28 65	\$130 00	\$58,608 18
1,033 15	898 61	2,578 61	558 03	.....	234 73	367 67	41,589 55
500 70	1,584 50	2,288 55	776 57	\$150 00	140 93	702 03	37,455 16
778 62	421 39	.....	351 60	.....	68 60	393 87	19,301 02
269 99	408 50	796 99	154 31	450 00	405 10	29 78	15,355 69
229 00	502 74	1,147 53	144 50	.....	14 25	89 42	15,149 16
<b>\$2,877 98</b>	<b>\$4,076 65</b>	<b>\$10,737 64</b>	<b>\$2,316 68</b>	<b>\$600 00</b>	<b>\$892 26</b>	<b>\$1,712 77</b>	<b>\$187,548 76</b>
82,804 31	\$372 85	\$2,591 53	\$194 61	.....	\$17 63	\$27 40	\$19,525 07
76 13	224 32	1,200 00	327 77	.....	4 50	1 36	10,041 99
261 10	848 34	.....	146 99	.....	4 50	68 85	10,461 53
114 70	281 05	1,075 04	185 18	.....	340 20	31 16	12,707 79
114 70	356 49	812 60	414 64	.....	.....	9 81	10,315 68
214 70	302 69	990 83	267 51	.....	58 65	1 31	10,707 39
<b>\$3,656 44</b>	<b>\$2,860 78</b>	<b>\$6,859 06</b>	<b>\$878 86</b>	<b>\$500 00</b>	<b>\$717 65</b>	<b>\$530 11</b>	<b>\$160,022 68</b>
82,804 68	\$2,547 28	\$6,275 88	\$660 21	\$500 00	\$373 85	\$473 13	\$125,826 98
594 92	120 63	583 18	59 74	.....	47 00	21 41	17,621 68
1 25	75 26	.....	58 24	.....	68 80	33 07	12,351 08
255 59	106 03	.....	52 41	.....	230 00	2 50	4,134 99
.....	11 58	.....	48 26	.....	.....	.....	87 95
<b>\$2,373 63</b>	<b>\$4,710 85</b>	<b>\$4,858 82</b>	<b>\$698 98</b>	.....	<b>\$344 91</b>	<b>\$275 64</b>	<b>\$107,403 88</b>
137 50	513 63	.....	37 14	.....	.....	21 34	25,533 20
.....	232 07	890 90	95 77	.....	242 64	.59 15	10,815 43
<b>\$9,753 21</b>	<b>\$10,703 06</b>	<b>\$19,278 78</b>	<b>\$3,247 45</b>	<b>\$500 00</b>	<b>\$1,730 68</b>	<b>\$1,026 13</b>	<b>\$377,534 64</b>
.....	.....	.....	.....	.....	.....	.....	.....
.....	\$71 94	\$792 95	\$165 62	.....	\$4 02	\$0 50	\$16,146 27
<b>\$10,953 30</b>	<b>\$3,451 20</b>	<b>\$5,037 46</b>	<b>\$771 79</b>	.....	<b>\$1,057 19</b>	<b>\$306 14</b>	<b>\$258,558 95</b>
\$10,183 21	\$2,988 73	\$4,138 70	\$474 81	.....	\$939 90	\$260 48	\$158,786 87
770 09	356 49	.....	174 37	.....	21 46	20 71	40,873 02
.....	47 89	320 30	122 61	.....	50 05	13 10	22,877 80
.....	27 19	315 00	.....	.....	5 58	4 10	16,998 61
.....	30 90	263 46	.....	.....	40 20	7 75	19,022 65
\$1,290 71	\$236 46	\$1,108 92	\$97 83	.....	\$25 30	\$22 07	\$30,846 42
45 28	494 03	1,153 93	106 81	.....	25 64	39 30	43,152 87
.....	88 26	154 05	105 43	.....	16 50	55 70	15,577 76
.....	7 44	145 08	49 96	.....	.....	.....	4,514 49
16 68	111 56	.....	106 99	.....	21 46	8 00	4,924 89
<b>\$12,305 95</b>	<b>\$4,460 89</b>	<b>\$8,392 39</b>	<b>\$1,404 43</b>	.....	<b>\$1,150 11</b>	<b>\$431 71</b>	<b>\$373,721 65</b>
.....	.....	.....	.....	.....	.....	.....	.....
\$713 64	\$188 86	\$573 74	\$126 03	.....	\$8 26	\$15 30	\$8,542 48
667 20	233 89	1,896 66	547 48	.....	54 75	5 25	15,534 39
217 97	194 10	.....	156 53	.....	.....	2 06	4,899 21
416 58	92 82	1,098 79	142 64	.....	4 90	37 84	8,470 84
278 26	152 36	1,222 88	236 20	.....	9 10	27 71	7,737 42
37 45	135 24	1,635 96	236 15	.....	8 45	12 60	8,094 98
<b>\$2,331 10</b>	<b>\$997 27</b>	<b>\$6,428 03</b>	<b>\$1,445 03</b>	.....	<b>\$85 46</b>	<b>\$100 76</b>	<b>\$53,279 32</b>

## CLASSIFIED EXPENSES BY BUREAUS AND

BUREAU OR DIVISION	Personal service	Special service, etc.	Traveling	Postage, express, etc.
<b>BUREAU OF STATISTICS AND INFORMATION</b>				
General.....	\$4,900 00		\$866 49	\$1,175 20
Division of General Labor Statistics—Albany.....	12,050 32		797 58	2 14
Division of General Labor Statistics—New York.....	12,075 84		160 50	38 97
Division of Industrial Directory.....	2,668 27			49
Division of Industrial Accidents and Diseases.....	8,225 86			1 49
Division of Special Investigations.....	5,774 97		23 27	1 90
Division of Bulletin and Publicity.....	2,804 16		1,527 55	789 10
Total for Bureau.....	\$48,299 42		\$3,375 39	\$2,004 29
<b>BUREAU OF INDUSTRIES AND IMMIGRATION</b>				
General.....	\$16,385 49	\$12 60	\$4,454 45	\$128 26
Buffalo office.....	2,578 57			48 33
Total for Bureau.....	\$18,964 06	\$12 60	\$4,454 45	\$176 59
<b>BUREAU OF FIRE HAZARDS, BOILERS AND EXPLOSIVES.</b>				
Albany office.....	\$17,769 35		\$12,341 52	\$436 50
New York office.....				
Total for Bureau.....	\$15,587 50		\$2,880 45	\$22 31
<b>BUREAU OF MEDIATION AND ARBITRATION</b>				
Albany office.....	\$8,169 05	\$1,500 00	\$1,580 99	\$94 64
Multigraph.....	1,555 65			
General.....		280 52		
Grand total.....	\$876,137 68	\$25,132 68	\$89,181 56	\$32,151 31

\* Includes \$500 for printing Proceedings of First Industrial Safety Congress paid out of appropriation for expenses of that Congress.

† In this item the Multigraph Division is entitled to a credit of \$1,840.16 for supplies prepared for other divisions and bureaus and included in the amounts under that item for such other divisions and bureaus. The cost of preparing such supplies is included in other items (salaries, etc.)

**REPORT OF THE INDUSTRIAL COMMISSION, 1917**      **27**

DIVISIONS, JULY 1, 1916 TO JUNE 30, 1917 — (*Continued*)

Printing and advertising	Supplies	Rent	Telephone and telegraph	Surety bonds	Furni- ture and fixtures	Repairs books, etc.	Total
*\$4,029 95	\$124 06	\$742 50	\$374 33		\$171 00	\$12 08	\$12,395 61
90 47	156 11	.....	66 50		17 10	21 25	13,201 47
33 00	81 77	560 86	55 66		135 62	4 72	13,141 94
128 28	15 32	.....	25			37 40	2,850 01
109 23	101 73	.....	6 12		1,678 60	9 75	10,132 78
1 22	23 66	.....	1 48			79 43	5,905 96
3,424 27	13 46	.....	17 22		7 15	5 00	8,387 91
<b>\$7,816 42</b>	<b>\$516 14</b>	<b>\$1,303 36</b>	<b>\$521 56</b>		<b>\$2,009 47</b>	<b>\$160 63</b>	<b>\$66,015 68</b>
<b>\$257 34</b>	<b>\$327 57</b>	<b>\$2,211 22</b>	<b>\$161 07</b>		<b>\$10 95</b>	<b>\$41 80</b>	<b>\$23,990 75</b>
.....	19 91	480 00	92 06				3,218 86
<b>\$257 34</b>	<b>\$347 48</b>	<b>\$2,691 22</b>	<b>\$253 12</b>		<b>\$10 95</b>	<b>\$41 80</b>	<b>\$27,209 61</b>
<b>\$255 02</b>	<b>\$83 99</b>	.....	<b>\$52 30</b>		<b>\$131 03</b>	<b>\$3 68</b>	<b>\$31,073 39</b>
.....	\$5 95	\$7 00	\$43 24			\$3 50	\$12,996 76
.....	9 11	309 46	58 18				5,929 91
.....	\$15 06	\$316 46	\$101 30			\$3 50	\$18,926 67
\$265 67	\$264 16	\$2,288 54	155 23		\$34 16	\$4 40	\$14,356 84
55 50	+	425 50	46 91		531 96	6 47	4,781 83
645 39	23 06	2,283 16	62 98		1,113 95	221 43	4,630 49
<b>\$36,563 58</b>	<b>\$21,487 76</b>	<b>\$54,145 06</b>	<b>\$9,607 08</b>	<b>\$1,100 00</b>	<b>\$7,690 03</b>	<b>\$3,722 28</b>	<b>\$1,155,078 88</b>

for the Multigraph Division. In order to eliminate duplication in totals it is necessary to reduce them by that amount.

† Less than total of entered items by \$1,840.16 for reason explained in footnote with item for supplies in Multigraph Division.

**COST OF ADMINISTERING THE COMPENSATION LAW FOR THE FISCAL YEAR  
ENDING JUNE 30, 1917, INCLUDING COST OF ADMINISTERING THE STATE  
INSURANCE FUND.**

Administration.....	\$30,393 75
Legal.....	20,794 78
Secretary.....	19,960 54
Cashier.....	15,355 69
Accounts.....	7,574 58
Compensation, New York.....	19,525 07
State fund.....	141,055 59
Actuary.....	17,621 68
Claims.....	107,403 88
Claims, medical.....	10,815 43
Printing and publication.....	5,995 59
Compensation, Brooklyn.....	10,038 39
Albany.....	10,461 53
Albany, claims.....	25,533 20
Secretary, Albany.....	6,659 88
Compensation, Syracuse.....	12,709 55
Rochester.....	10,315 68
Buffalo.....	10,765 19
<b>Total.....</b>	<b>\$482,980 00</b>

**COST OF ADMINISTERING THE STATE INSURANCE FUND FOR THE FISCAL  
YEAR ENDING JUNE 30, 1917**

Legal.....	\$1,200 00
Secretary.....	383 51
Cashier.....	9,213 41
Accounts.....	1,887 50
State fund.....	141,055 59
Actuary.....	10,573 00
Printing and publication.....	599 56
Compensation, Brooklyn.....	60 00
Secretary, Albany.....	33 30
Compensation, Syracuse.....	53 75
Rochester.....	40 63
Buffalo.....	123 85
<b>Total.....</b>	<b>\$165,224 10</b>

**PART II**  
**REPORT OF LEGAL BUREAU**

[29]



## REPORT OF COUNSEL TO THE COMMISSION

*To the Industrial Commission:*

The work of the Legal Bureau during the past fiscal year has been unusually heavy.

On May 21, 1917, the United States Supreme Court decided several cases involving the constitutionality of certain provisions of our Workmen's Compensation Law. Our statute included as hazardous employments the operation of vessels other than vessels of other states engaged in interstate commerce; longshoremen; and construction, repair, and operation of railways. Awards were made to employees engaged in such occupations by the State Industrial Commission and appeals were taken from such awards to the Appellate Division, Supreme Court, Third Department, and later to the Court of Appeals. The awards in those cases were sustained by the courts of this State. A writ of error was sued out from the Supreme Court of the United States and the cases were pending before that court for nearly two years before they were finally determined.

In the meantime the Commission, acting under the decision of the courts of this State, continued to make awards in similar cases. Each time an award was made in a case arising under either of the provisions above referred to, an appeal was taken and all of those appeals were held pending the determination of the test cases. The result was that after the decisions were handed down by the United States Supreme Court there had accumulated something over 400 appeals involving the constitutionality of the provisions of the statute above referred to.

The Supreme Court of the United States decided on May 21, 1917, in the cases of *Southern Pacific Company vs. Jensen*, 244 U. S. 205, and *Clyde Steamship Company vs. Walker*, 244 U. S. 255, that the provisions of the Workmen's Compensation Law of this state were unconstitutional as to matters of admiralty coming under the jurisdiction of the United States Government, and in the case of *New York Central and Hudson River Railroad vs. Winfield*, 244 U. S. 147, that the Compensation Law of this State

did not apply to cases where the employee was engaged in interstate commerce carried on by common carriers (by railways), but that in such cases the Federal Employers' Liability Law afforded the sole remedy to the employee. As a result of this decision it became necessary for Counsel to the Commission to examine the record of each of these 400 and odd cases and to advise the Commission in each case whether it was controlled by such decisions. This entailed, as may be readily understood, an enormous amount of work on the Legal Bureau.

The Commission reviewed each of the cases which was held pending the decision of the Supreme Court in the test cases and in those which were controlled by the decisions the awards were reversed. Many of those cases, however, were not finally disposed of until after July 1, 1917. The decision of the United States Supreme Court that the Workmen's Compensation Law did not apply to matters which came within the admiralty jurisdiction of the Federal Government has raised many interesting legal questions which are as yet undetermined. The admiralty jurisdiction of the Federal Government is not clearly defined and there are a number of cases pending in which it is difficult to determine whether our compensation law is applicable or whether they fall within the admiralty jurisdiction of the United States Government. There are a number of appeals pending in which questions of this character are involved. In many of the cases in which awards were made and in which the admiralty question was involved, no appeals were taken from the awards, payments had been made by the insurance companies to the injured employees, and those payments were discontinued after the decision of the Supreme Court. The question has arisen whether the insurance carrier is not estopped from raising the question of jurisdiction and this question is involved in a number of cases now pending.

The line of demarcation between work which is inseparably connected with interstate commerce is very shadowy. It is extremely difficult in many cases to determine whether the employee of an interstate railway carrier was engaged at the particular moment when he was injured in interstate commerce or intrastate commerce. The decisions on this question are many and conflicting and there are a number of appeals pending from

awards in which the Commission has determined that the employee was engaged in intrastate commerce, but in which the employer insists the employee was engaged in interstate commerce.

These questions account, in a large measure, for the number of appeals made from the awards of the Commission.

A summary of the disposition of appeals taken from awards made by the Commission during the fiscal year from July 1, 1916, to June 30, 1917, is herewith submitted:

Cases pending on appeal July 1, 1916.....	261
Cases in which appeals were taken between July 1, 1916, and June 30, 1917 .....	488
Total number of appeals requiring attention during the fiscal year.....	749

The following disposition was made of the above cases:

Appeals withdrawn .....	130
Claims disallowed on rehearing and appeals withdrawn.....	169
Awards affirmed by the Appellate Division.....	102
Awards remitted to Commission for further hearings.....	13
Appeals dismissed for want of prosecution.....	10
Awards reversed by the Appellate Division.....	32
Pending and undisposed of in the Appellate Division.....	293

In addition to the above there were 53 cases in which appeals were taken to the Court of Appeals and the following is a summary of the disposition of such appeals:

Awards affirmed .....	28
Awards reversed .....	10
Remitted to Commission .....	1
Appeals withdrawn .....	2
Awards rescinded by the Commission and appeals withdrawn.....	5
Pending and undetermined .....	7

In connection with the above appeals there has been an enormous amount of correspondence taken care of by the Legal Bureau.

In addition to the railroad and admiralty cases which were referred to the Legal Bureau for opinion, there have been a very large number of cases referred to the Legal Bureau for opinion on various legal questions which have arisen in proceedings on claims filed for compensation. The correspondence of the Bureau is exceedingly heavy. Every day a large number of letters are received relative to pending cases and from employers requesting interpretations of various provisions of the Law and its application to different occupations.

In cases in which awards were made against employers who were not insured the awards are referred to the Legal Bureau for collection. In these cases it is necessary to prepare a form of decision and award, notice of entry of judgment, and affidavit of service of such papers. When the judgment is entered the Legal Bureau not only sees that the execution is issued but, if the execution is returned unsatisfied, supplementary proceedings are instituted and the judgment debtor is examined in such proceedings.

The following is a summary of the number of awards referred to the Legal Bureau for collection during the past fiscal year:

Number of cases referred to the Department for collection of awards .....	1,003
Cases disposed of .....	752
Judgments obtained .....	394
Cases undetermined .....	317
Amount collected on such awards.....	\$19,974.45

By an amendment to the Workmen's Compensation Law which became effective on July 1, 1916, the failure to secure the payment of compensation constitutes a misdemeanor. The Legal Bureau had undertaken the prosecution of non-insured employers and during the past year there have been thirty-one prosecutions for such failure instituted by this Bureau. In these cases twenty-six convictions were obtained. Thirteen defendants were fined and thirteen received suspended sentences. The fines imposed amounted to a total of \$465. Five of the cases were dismissed because the defendants had secured compensation insurance before the return day of the summonses.

The fiscal year 1916-1917 established a new record in the activities of the Legal Bureau in the matter of prosecutions for violations of the Labor Law. Owing to an increase in the personnel of the Inspection Bureau, a greater number of inspections of all types was made during the year than ever before and, therefore, a greater number of violations of law uncovered than previously. As a result of the reference of these matters to counsel, a greater number of prosecutions was instituted than in any previous fiscal year and with highly satisfactory results.

The prosecutions for violations of the Labor Law fall into

eight general classes—administration, sanitation, accident prevention, fire protection, children, women and male minors, day of rest, and miscellaneous.

The total number of new cases prosecuted by the Legal Bureau for violations of the Labor Law in the fiscal year 1916-1917 and falling into the above general classes was 4,064. Of these the number instituted for violations found in factories was 2,544 and in mercantile establishments 1,520.

Of the above prosecutions begun for violations of the Labor Law in factories, the number begun in the First Inspection District was 2,173 and the number in the Second Inspection District was 371.

Of the above prosecutions begun for violations of the Labor Law in mercantile establishments, the number begun in the First Inspection District was 1,280 and the number in the Second Inspection District was 240.

The State is divided for the purpose of convenience of inspection into two districts known as the First Inspection District and the Second Inspection District, the First Inspection District including the Greater City of New York, and the Second Inspection District the remainder of the State.

The total number of cases closed in the fiscal year for violations of law found in factories was 2,818 (the surplus over the number above stated as having been taken being due to the fact that at the opening of the fiscal year 412 factory cases were pending from the last fiscal year).

The total number of cases closed in the said fiscal year for violations of law found in mercantile establishments was 1,532 (the surplus over the number above stated as having been taken being due to the fact that at the opening of the fiscal year 38 mercantile cases were pending from the last fiscal year).

The total number of convictions registered in the entire fiscal year was 3,729 and the total number of cases dismissed, withdrawn or acquitted was 529.

In the latter category it is to be observed that the large bulk of these cases were dismissed upon motion of the Department upon it being established in court and corroborated by the Department Inspector that the conditions sought to be remedied by court

actions had been remedied and structural improvements sought and demanded had been brought about. Under the judgment of the Commission it has been deemed a proper procedure, unless unusual circumstances surround the case, to move to dismiss in matters involving structural or minor changes upon obtaining a full compliance with the law.

Of the above convictions registered in the Factory Division, the number which fell within the First Inspection District was 2,020 and the number which fell within the Second Inspection District was 255.

Of the above convictions registered in the Mercantile Division, the number which fell within the First Inspection District was 1,239 and the number which fell within the Second Inspection District was 215.

In the cases of conviction, the total number of fines imposed in the entire State in factory cases was 1,074 and the number of suspended sentences was 1,201; the total number of fines imposed in the entire State in mercantile cases was 537 and the number of suspended sentences was 917.

The amount of fines imposed in the entire State in factory cases was \$25,190; in mercantile cases, \$11,850; making a total of \$37,040.

Of this amount, the amount in fines in the First Inspection District (factory cases) was \$24,165; in the Second Inspection District \$1,025; the fines in the First Inspection District (mercantile cases) was \$11,175; in the Second Inspection District \$675.

The total number of factory cases pending at the close of the fiscal year, June 30, 1917, was 138. The total number of mercantile cases pending at the close of the fiscal year June 30, 1917, was 26; a total of 164 pending cases.

Table 5 of the statistics of inspection, found on page 82 of this report is a detailed summary of the prosecutions for violations of the Labor Law for the fiscal year ended June 30, 1917.

A very important case involving the constitutionality of the factory exit provision of the Labor Law was disposed of before Justice Gavegan of the Supreme Court, Special Term, Part 3. The case decided was that of Cockcroft against Mitchell. Orders

had been issued by the Commission requiring additional means of exit on each floor. The owner of the building instituted proceedings for a review of the orders issued by the Commission and contended that because of the expenditure involved and the loss of revenue due to floors being unoccupied the orders were unreasonable and confiscatory and, therefore, violated the provisions of the Constitution of the United States. It was the first case brought under the provisions of section 79-b of the Labor Law. The case occupied four days in trial and the court, after carefully reviewing all the evidence, handed down an exhaustive opinion affirming the orders in all respects. There have been several other cases of the same character instituted which are still pending undetermined.

The foregoing statement gives only a brief synopsis of the varied kinds of cases which are referred to the Legal Bureau for its attention and the duties performed by it.

ROBERT W. BONYNGE,  
*Counsel to the Commission*



**PART III**

**REPORT OF BUREAU OF INSPECTION**

[39]



**REPORT OF FIRST DEPUTY COMMISSIONER  
IN CHARGE OF BUREAU OF INSPECTION**

*To the Industrial Commission:*

The report herewith submitted covers the period for the twelve months ending June 30, 1917, and has appended thereto the reports of the chiefs of the several divisions of the Bureau of Inspection. Attached to the report are the complete statistical tables showing in full detail the work accomplished by the Bureau of Inspection.

A careful study of the tables accompanying the report will show some very interesting results accomplished by the inspectors and office employees working in the Bureau of Inspection. It will be noticed that, without any increase in the inspection or office force, there has been a general increase in the amount of work performed over that accomplished for the corresponding period of the year previous. This result was obtained by the introduction of systematic methods of performing the work, which has resulted in enabling the Bureau of Inspection to completely cover all parts of the State and make inspections of all factories in operation in the State during the period covered by this report. A record of all factories not in operation, and those permanently closed or vacated, has also been obtained.

As an indication of the effectiveness of the methods employed, there has been an increase of 63 per cent in the number of inspections made by the Factory Division over that of the same period for the previous year. In addition to increasing the number of inspections, we also increased the quality of inspection work generally, as is clearly indicated by an examination of the tables accompanying this report, which show the many thousands of compliances which were secured regarding orders issued relative to the installation of safe exits, proper sanitary equipment, safeguards on machinery and elevators, etc.

**BLOCK SYSTEM**

The block system of making regular factory inspections has been given a very practical test during the fiscal year. It has

enabled us to learn just the exact amount of work there is in each supervising district, or any subdivision thereof, and the work can be so arranged that each inspector may be allotted an equal amount. The Bureau is in possession of a complete record of the factories in operation and those temporarily or permanently closed. If temporarily closed, this system enables us, without any unnecessary effort, to revisit all factories so closed and make an inspection during the fiscal year. The greatest value of the plan is the large amount of time saved and the knowledge that every portion of the State is covered.

To this systematic method can be credited much of the large increase in the amount of work accomplished over that of the previous fiscal year. For the first time since the creation of the Department of Labor, the Inspection Bureau was able to inspect within a fiscal year, all the factories and factory buildings in the State, including visits to factory buildings or parts thereof, temporarily or permanently closed. This system enables us to report not only the building clearly defined as "factory building," but also those coming under the provisions of chapter 694, Laws of 1917, which we distinguish from the term "factory building," and is known as a "miscellaneous building."

The necessity for a practical system of covering the industries of New York can be realized when it is made known that the Factory Division made a regular inspection of each of the 59,978 factories in the State, and made 37,044 building surveys. They also made 17,054 special inspections, which mean an inspection other than the regular inspection of the factory. By this block system regular inspections are made of factories that are adjacent to each other, and when it is necessary to visit them relative to compliance with the orders issued, the work can be performed in the same systematic manner. Here again there is a great saving of time and effort. There were 92,067 compliance visits made to factories to learn if the orders issued had been complied with. Through the efficiency of this plan, there was secured an increase of 63 per cent in the number of factory inspections made during the fiscal year, as compared with the previous year, and a general increase in other branches of the work performed by the inspectors.

The figures given here indicate only a part of the work, but it can be clearly seen that if it were not for the very beneficial results accomplished by the introduction of the block system, the Factory Division could not have covered, during a fiscal year, all the factories in the State, and also perform all the other classes of work shown in this report.

#### THE LAW AND ITS ENFORCEMENT

The excellent results accomplished during the fiscal year should not lead us to suppose that we have accomplished all that can be achieved. When we realize the magnitude of the suffering and economic loss, due to industrial injuries, we are all appalled. Those who have given the subject much thought know that a large part of the loss is inherent in industry, but it is also known that far too much of it is due to unsafe practices and conditions, and can be materially reduced. Many of the industries are doing splendid work relative to making their establishments as safe as possible, but it must be conceded that to make the industries generally safe no force, individual or private, is as potent as the State in accomplishing the task of making the industries reasonably safe for the employees engaged therein.

The Bureau of Inspection has conducted, during the year, several surveys of certain industries for the purpose of determining just what hazards exist, and to establish and introduce into such industries proper safeguards and safe practices. By this method we have hopes of accomplishing permanent results, and the cooperation of the employers and employees.

When the surveys we are conducting are completed, it is our intention to make complete surveys of other industries and continue the work until we have determined fully the hazards existing and have established safe practices for such industries.

When there is a full realization of the many laws and codes and their scope, all of which the Bureau of Inspection has to enforce, it is not very difficult to comprehend the magnitude of the problem confronting the Inspection Bureau. The laws and codes have great possibilities for improving industrial conditions, but they are useless unless properly enforced. The duty of enforcing the law and codes rests with the inspectors of the Bureau and requires inspection of all places to which they apply

and make numerous compliance visits necessary in order to secure compliance with the orders issued. To make inspections without securing compliance would be useless work, and would only bring ridicule on the Department of Labor.

The tables attached to this report show that the Factory Inspection Division issued 174,211 orders of all kinds and secured 206,688 compliances, showing very clearly that we were able to secure compliance with many of the outstanding orders issued in previous fiscal years.

During the fiscal year there were 60,487 compliances of safety orders secured, which meant the safeguarding of at least several hundred thousand machines, and also regulated many other unsafe conditions. This one phase of the work illustrates how essential the inspection work is, in view of the fact that upwards of three hundred thousand industrial injuries were reported to the Industrial Commission during the past year.

It is very evident that the inspection force is inadequate to properly enforce all the provisions of the laws and codes. I have repeatedly called attention to this fact.

The time seems opportune for the Industrial Commission to call the attention of the Legislature to this condition of affairs, and to set forth clearly that at no time since the creation of the Department of Labor has the inspection force been of sufficient number to properly handle the problem of enforcing the beneficent laws enacted for the protection of workers of the state. From time to time the Legislature has enacted many excellent labor laws, yet in almost every instance has failed to increase adequately the inspection force so that the Department may properly enforce the laws enacted. It is important that a sufficient number of inspectors be provided to see that industry is made safe for those engaged therein. At no time in the history of our country has this fact been more clearly evident. The economic loss in this State alone, due to the upwards of three hundred thousand industrial injuries, is estimated at \$30,000,000. Much of this loss can be prevented. However, all of this large number of injuries do not occur in the factories of the state, but are reported for all the hazardous groups of employment specified in the compensation law, many of which occupations are not subject to inspection

or regulation by the Bureau of Inspection. This loss is appalling, and it should be borne in mind that this loss is occurring each year and after much work has been accomplished in providing safe places to work and the installation of thousands of safeguards in the industries, which are under the jurisdiction of the Bureau of Inspection. Such regulation has reduced the hazard. The amount these figures would reach, if it were not for the great number of safeguards already provided and the safe practices installed in many industries, we can only surmise, but it is evident to all that the economic loss is far too high and should be reduced.

Many employers are beginning to realize that the proper kind of help, necessary for their particular industry, can not always be readily obtained in the vicinity of their plant, and that it is important to the success of their business and the welfare of the State that their employees should be protected from sickness or injury, and that when an employee has been killed or injured, or when his health has been impaired by industry, the State has suffered a distinct loss. Because of this fact, it is the duty of all to protect to the fullest extent, all those engaged in industry, for the reason that they represent the labor power of the State and are very essential to the success of our country in the present crisis.

#### MERCANTILE INSPECTION

Appended hereto is the report of the Division of Mercantile Inspection for the fiscal year, which shows the work of the division in detail. The excellent results shown necessitated much hard work, and it should be borne in mind that the law applying to mercantile establishments imposes an enormous task on the inspectors of the division. The task is beyond the ability of the present inadequate force of inspectors assigned to that division. The work accomplished by the Mercantile Division during the year shows an increase in the amount and quality of work performed over the year previous. The mercantile law has accomplished many beneficial results and has been enforced for a sufficient number of years to clearly establish its benefits as enjoyed by the employees of those establishments to which the law applies.

It is gratifying to state, at this time, that the Legislature, in its session of 1917, extended the provisions of the law, as they

relate to the hours of employment of females employed in restaurants. This was accomplished after repeated recommendations by the Bureau of Inspection, in which was shown the necessity for including this group of workers, who were compelled to work long hours at very laborious and fatiguing duties, productive of physical ailments. This class of employees having been brought within the protection of the law will enable many females to enjoy its benefits, where formerly they were compelled to work long hours.

On many occasions I have called attention to the failure of the health officers in cities, other than first and second class, to enforce the provisions of the mercantile law. This duty is imposed on them by the requirements of the statutes. Owing to the health officers being invested with many other duties, they plead they have no time to enforce the mercantile law, consequently, there is practically no enforcement of the law in many cities and villages to which it applies.

There are many reasons that can be advanced for extending the jurisdiction of the Department of Labor relative to the enforcement of the mercantile law to all cities and villages. To do so would not impose as much work on the Mercantile Division as might be imagined, for we are compelled to enforce the provisions of the day of rest law, which applies to all mercantile establishments in all cities and villages of the State.

It is essential that many of the hazards existing in mercantile buildings be remedied. These include unsafe machinery, elevators, and hoistways, all of which are productive of many injuries. There also exists the ever-present fire hazard and inadequate exits from mercantile buildings. Many of these buildings have a large occupancy, added to which are many patrons of the establishment. From the lack of any regulation by law, many of these buildings present very serious hazards. The Commission is now preparing a code to cover this condition, in accordance with the provisions of Section 20-b of the Labor Law, which enables them to make rules requiring such places to be constructed, equipped, arranged, operated, and conducted in all respects as to provide reasonable and adequate protection to the lives, health, and safety of all persons employed therein. I would urge that this code be

prepared as soon as possible in order to afford proper protection to the employees and patrons of these establishments.

I would, also, recommend that the machinery code, now in preparation, when adopted by the Commission, be made applicable to machinery in mercantile establishments. If this is done, it will afford needed protection to employees in mercantile establishments, as contemplated by the provisions of section 20-b of the Labor Law.

The attention of the Commission is called to the lack of any provision in the mercantile law to place the responsibility for the compliance with orders for sanitary requirements, such as water-closets, etc. The Division of Mercantile Inspection have many thousands of orders of this type for which they cannot secure compliance, and there is no provision of law to enable the Department to enforce the penal provisions of the law. It is, therefore, recommended that the law be amended to remedy this omission.

#### HOMEWORK INSPECTION

Appended hereto is the report of the Chief of the Homework Division. The report for the fiscal year shows that, considering the number of inspectors available for this work, satisfactory results were accomplished by the division.

The provisions of article 7 of the Labor Law apply to tenement houses exclusively. The Chief of the Division shows that manufacturing, altering, repairing, or finishing of articles is carried on in many dwelling houses throughout the State, and in many instances under conditions that would not be tolerated in tenement houses. Nevertheless, the division is powerless to remedy the conditions, because the law fails to apply to work of the character carried on in dwelling or two-family houses.

The report shows that 613 children under sixteen years of age were found working in tenement houses. This is an increase over the number found last year, and does not include the many children found working in dwelling or two-family houses.

I, therefore, concur in the recommendation of the Chief of the Division, that the law be extended to include all classes of dwellings wherein such work as indicated in Section 100 of the Labor Law may be carried on. This is essential, for the purpose

of the law is to protect the public health, and it is very evident from the experience of the division that there are many dangers lurking in the class of dwelling and two-family houses wherein work as provided in Section 100 is carried on and for which there is no remedy at present. I am compelled to renew my former recommendation relative to the necessity of providing an adequate number of inspectors to enable this division to properly perform the requirements of the statutes requiring at least two inspections of licensed tenement houses each year.

#### INDUSTRIAL HYGIENE

The Division of Industrial Hygiene has made, during the fiscal year, several complete surveys of certain industries, which, because of the product manufactured or some process carried on therein, was dangerous to those employed. One of these industries, which gave evidence of a general hazard of arsenical poisoning, was the manufacture of Paris green and Scheele's green. Although the industry has been carried on in the State for many years, it was surprising how little effort has been exerted by those conducting these establishments to protect the employees from arsenical poisoning, and there seemed to be, generally, on the part of the employer and employees, a lack of knowledge of the extremely poisonous nature of the product and the hazard resulting from the same, due to the faulty method of processing and handling the product. As a result of his survey, Special Bulletin No. 83 was compiled, setting forth in detail the result of the investigation, and will no doubt furnish valuable information concerning the practical and safe methods of conducting processes of this kind and others of a similar nature.

A survey of all the aeroplane factories in the State (eight in number) was made in order to ascertain the injurious effects existing as a result of certain fumes given off from a varnish used in the manufacture of aeroplane wings. There were many physical examinations made which clearly demonstrated the injurious effects resulting from this process, which presented a very serious hazard to those employed, unless properly conducted. Orders were issued to ameliorate the condition and a full report of the investigation was printed in The Bulletin of June, 1917.

General surveys of the chemical and textile industries were

carried on during the year, but have not been completed at this time. Numerous physical and medical examinations have been made relative to occupational diseases, and the Bureau of Inspection has valuable information relative to many hazards existing in various industries, wherein the workers suffer from compressed air, lead poisoning, mercurialism, anthrax, etc.

Many investigations were conducted relative to properly ventilating factories and mercantile establishments, and I desire to call attention to the necessity of the Commission providing proper rules establishing standards of ventilation for factories and mercantile establishments.

Numerous tests and analyses of air conditions were made relative to the removal of dangerous dust, gases, fumes and vapors generated in connection with certain industries, and very valuable information is at hand as to the best methods of removing dust, gases, etc., and the proper construction and installation of the hoods, ducts, fans and separators, as they relate to the different industries of the State. The Department has compiled Special Bulletin No. 82, entitled "Hoods to Remove Dust, Fumes and Gases," which furnishes instructions to those installing devices for the removal of the same. Considerable progress has been made in this line of our work since we have instructed those who are to make such installations to file the plans of the proposed installation for approval of the Bureau of Inspection, before starting the work. The experience and knowledge in our possession has proven of value to the manufacturers of the State, and has enabled us to correct many errors and defects in proposed installation, which results in a proper system which gives full satisfaction and saves manufacturers from the expenditure of money for a so-called system, which does not do the work properly and is the cause of general dissatisfaction. The present policy of handling these matters is productive of securing proper devices and compliance with the law at the minimum cost to the manufacturer.

#### FIRE PROTECTION

In compliance with the provisions of chapter 503 of the Laws of 1916, the Department of Labor relinquished all jurisdiction relative to fire protection in factory buildings in New York City, and in compliance with the provisions of the law, we turned over

to the Fire Department of the City of New York such records as we had in our possession relative to buildings within the City of New York.

During the year we issued 9,684 fire protection orders and secured 17,481 compliances. The large number of compliances over the number of orders issued is explained by the fact that after July 1, 1916, we ceased issuing this class of orders in New York City, and from that date to October 1, 1916, we made a compliance visit to each building to ascertain the existing condition, in order to make a proper certification of the existing condition to the Fire Department, as required by the provisions of chapter 503.

These figures show that we had made considerable progress relative to securing compliance with this class of orders, which are of such a nature as to involve considerable expense, and with which owners of property are none too willing to comply.

The Department is charged with the responsibility of enforcing the law relative to fire protection in all parts of the State, outside of New York City, and under the head of "Fire Protection" is included the fireproof enclosure of stairways, or safe means of exit, fire alarms, etc. In this connection it may be stated that although all the unsafe conditions have not been remedied, considerable improvement has been accomplished, as may be seen by comparison of the number of orders issued and compliance secured.

In many instances the Bureau of Inspection was forced to prosecute for the failure to comply with this class of orders, and during the fiscal year we presented 567 cases to the courts for failure to comply with fire protection orders.

Compliance with this class of orders can only be secured by maintaining a vigorous policy. In no case is prosecution begun until a counsel letter has been sent, setting a final date for compliance with the order. The Bureau is compelled to send many thousands of such letters. Notwithstanding this method, it will be seen that we were compelled to prosecute in many instances before a compliance could be secured.

#### ACCIDENT PREVENTION

No phase of our work shows a more satisfactory condition than that of accident prevention, which includes the safeguarding of

machinery, elevators, etc. During the year we issued 46,290 orders and secured 60,487 compliances. These bare figures do not tell all the story. Each order may be for one machine, or it may include all machines of a certain type. Generally speaking, the order includes many machines. The 60,487 compliances mean the actual guarding of many hundreds of thousands of machines. The installation of mechanical safeguards during the past two years has been enormous. The work in progress in the industrial plants, together with that in contemplation, gives forth a ray of hope that the day is not far off when the industries of the State will be reasonably safe as far as safeguards are concerned. Nevertheless, to bring about the present condition the Inspection Bureau was compelled to invoke a vigorous policy, not only as to the installation of the guards, but as to the necessity of maintaining them in proper condition and to discourage the everprevailing practice of employees and employer removing the guards to make repairs or for some other reason, and failing to replace them. In instances where they fail to comply with the orders to safeguard the machinery, the Bureau causes the following machinery tagging notice to be issued:

STATE OF NEW YORK  
DEPARTMENT OF LABOR  
STATE INDUSTRIAL COMMISSION

Supervising Inspector's Office: 230 Fifth Ave., N. Y. C.

When communicating

Refer to File No. 21878-2, and give location of premises.

June 30, 1917

Mr John Smith,

100 Caton Avenue,  
Brooklyn, N. Y.

*Re: 100 Caton Avenue, Brooklyn, N. Y.*

We are in receipt of a report from our Inspector that you have failed to comply with the orders of the Department, to wit:

Properly guard gears on Gummimg Machine.

Properly guard gears on Job Press.

Properly guard gears on Harris Press.

Properly guard gears on Varnishing Machine.

This shows that you are maintaining a hazardous condition in violation of Section 81 of the Labor Law:—

When in the opinion of the Commissioner of Labor a machine or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, the use thereof shall be prohibited by the Commissioner of Labor (State Industrial Commission) and a notice to that effect shall be attached thereto. Such notice shall not be removed except by an authorized representative of the Department of Labor, nor until the machinery is made safe and the required safeguards or safety appliances or devices are provided, and in the meantime such unsafe or dangerous machinery shall not be used.

Unless the above orders are satisfactorily complied with by July 16, 1917, the Department will cause the machinery to be tagged in accordance with the provisions of the Labor Law, thereby prohibiting the use of such machinery until the orders are fully complied with and hazard removed.

Yours truly,

(Sd)

JAMES BROWN,

*Supervising Inspector.*

Many thousands of these notices were sent to persons failing to comply with safeguarding orders within a reasonable time. They have proven to be most effective in accomplishing results, as may be seen from the number of compliances secured with orders issued.

The effectiveness of this notice is reflected in another way, when we consider the small number of prosecutions begun for failure to comply with accident prevention orders. During the fiscal year there were only 101 prosecutions of this class, which was less than half the number for the previous year, and a very small number in comparison with the 60,487 compliances secured and the many thousands of machines actually guarded. It should be noted that the number of prosecutions for this class of orders is less than that of any other class of orders for which prosecutions were instituted.

While we issued many thousands of the machinery tagging notices, we were compelled to attach the unsafe tag in comparatively few instances. During the fiscal year we tagged and stopped the use of dangerous machinery in 622 instances. The sending of this notice and the applying of tags is a great time saving plan, for, if we were compelled to prosecute, much time of the inspection force would be taken from other work. From several years of experience it has been clearly demonstrated that the sending of the notice and the applying of the unsafe tag, when the warning is not heeded, is a very effective means of securing compliance with safety orders and affords a speedy and most effective means of protecting many thousands of employees operating dangerous machinery.

Permit me to call attention at this time to the necessity for a proper monthly tabulation of accidents reported to the Industrial Commission. If a tabulation of this character of injuries was made the inspection force could be kept in close touch with such industries as show hazards. At least the serious injuries reported from such places as the Bureau of Inspection has jurisdiction over could be furnished the Bureau and they could take immediate steps to correct any defects existing, or bring about the installation of safe practices that would prevent a recurrence.

of the injuries, and in this way excellent progress could be made in the line of reducing the hazard of industry.

We are greatly in need of a machinery code. The Commission's code on dangerous machinery is nearly completed. When the code is adopted it will greatly aid in improving conditions. While this branch of our work is in a very satisfactory condition, much remains to be accomplished. The many thousands of injuries reported to the Commission each year and their excessive economic loss, is a clear indication that we must exert all our energy to make industry safe for those employed therein. It should be our aim to reduce industrial injuries to a minimum. In our endeavor to accomplish this result, we must bear in mind that safeguarding of machinery is only part of the task. Something more than a safe machine is necessary. All injuries are not caused by machines. Safe practices are essential. This means proper and practical education of the workers in the processes and practices of the industry, and the intelligent application of such instruction and knowledge on their part to afford protection to themselves and their fellow workers. This is a field of endeavor that offers great possibilities. Many progressive employers realize that this field of effort offers great possibilities and they are doing splendid work along that line.

#### **WOMEN IN INDUSTRY**

Some of our industries have been unable to secure the full quota of men needed to produce the maximum output of the plant. In most instances this is a result of large contracts for munitions or other material essential for the equipment of the National Army, and because of the increase in business they have consumed all of the available male labor in the vicinity of the plant. In many instances where this class of industries has been operating, they have, because of their ability to pay higher wages, drawn many employees from other industries located in or near the vicinity of such plants. Consequently, industries not engaged on necessary war material have, due to their inability to pay as high wages, been unable to obtain their full quota of male help. Some of both classes of establishments have substituted women to do work formerly done exclusively by men. However, up to the present time there has been less of this substitution than would

be supposed, and women have not taken the places of men to any great degree. What the future may develop is hard to say.

The introduction of women into industrial pursuits, of which they formerly have had no knowledge and for which they receive very little training (such training as they do receive in almost every instance consists of just enough to enable them to turn out the product) has made new problems to be dealt with. In many instances machinery not formerly regarded as hazardous, when operated by men, has been found very hazardous when operated by women. In some cases employers have employed women in certain classes of work only to find they were not physically fitted for that work. Herein lies the greatest danger relative to the introduction of women to do work formerly performed exclusively by men. To determine just what class of work may be permitted, without injury to the future womanhood of the country, will require a very careful survey and much study. Therefore, the Bureau of Inspection has begun such a survey and has already made much progress in that direction. All instances where women are doing work formerly done exclusively by men are carefully recorded, investigation made as to the character of the work and the effects of such work on females and their capability of performing the work. When this study is complete, we will have information and data that will be of eminent value to the State and its industries.

For the same cause that women have gone into many manufacturing industries, they have in greater numbers taken the places of men in banks and business offices. Here again much injury is suffered by females, due to long hours. Strange as it may seem, there is generally a lower standard relative to sanitary conditions in business offices than in factories and mercantile establishments. There being no restrictions as to hours of labor in business offices, in many instances the hours of labor are excessive, and this is particularly true as to banks, where they have in many instances within the last year substituted females for male help to a far greater proportion than have the factories of the State. Repeatedly the Department has had its attention called to the long hours required of females in banks, where in many instances they were compelled to work 85 hours per week.

It, therefore, seems necessary that the provisions of the law relative to hours of labor and sanitary requirements be extended to include business offices.

#### PROSECUTIONS

The statistical tables of prosecutions, attached to this report, show in detail the prosecutions instituted by the several divisions of the Inspection Bureau.

On June 30, 1916, 412 cases for violation of the factory law were pending, all of which, with the exception of six cases, were disposed of this fiscal year, with the following results: 118 dismissed, acquitted or withdrawn; 226 convicted and sentence suspended; 62 convicted and fined, fines amounting to \$2,010. There should be added to this number eleven prosecutions, coming under Article 2, cases which were referred to the district attorneys of the several counties. Ten of these cases were disposed of, as follows: 8 dismissed or acquitted, 2 convicted and fined \$40. One was pending at the close of this fiscal year. Total fines for prosecutions begun prior to July 1, 1916, and disposed of in the fiscal year 1916-17, \$2,050.

During the fiscal year 1916-17, 2,544 cases for violation of factory laws were presented to the courts, and on June 30, 1917, 132 were pending, making 2,412 of the 1916-17 violations, which were disposed of during the fiscal year, with the following result: 425 dismissed, acquitted or withdrawn; 975 convicted, sentence suspended; 1,012 convicted and fined. The amount of fines was \$23,180. During the fiscal year, twelve cases, coming under the provisions of article 2, were referred to the District Attorneys of the counties in which violations existed. Seven were disposed of, as follows: 6 dismissed or acquitted; 1 convicted and fined; 5 pending on June 30, 1917. The amount of fines imposed was \$20, making the total fines collected for 1916-17, \$23,200. Adding to this the \$2,050 imposed as fines in the cases pending June 30, 1916, and disposed of during the present fiscal year, makes a total of \$25,250 paid in fines.

On June 30, 1916, 38 prosecutions were pending for violation of the mercantile law, all of which have been disposed of during the present fiscal year, as follows: 6 dismissed, acquitted or withdrawn; 13 convicted, sentence suspended; 19 convicted

and fined. The amount of fines imposed was \$495. There should be added to these cases 31 coming under article 2, which were referred to the District Attorneys of the counties where violations occurred, 29 of which were disposed as follows: 5 dismissed or acquitted; 14 convicted, sentence suspended; 10 convicted and fined. Two cases were left pending at the end of the fiscal year. Fines amounting to \$230 were imposed. Total fines for cases begun prior to July 1, 1916, and disposed of in the fiscal year 1916-17, were \$725.

During the fiscal year 1,520 cases of violation of the mercantile law were presented to the courts, all of which, with the exception of 26 were disposed of, with the following result: 72 dismissed, acquitted or withdrawn; 904 convicted, sentence suspended; 518 convicted and fined. The amount of fines imposed was \$11,355. There were 60 cases presented to the District Attorneys of the counties relative to violations of article 2, all but four of which were disposed of during the fiscal year with the following result: 23 dismissed or acquitted; 18 convicted, sentence suspended; 15 convicted and fined. Fines amounting to \$305 were imposed making a total of \$11,660 in fines imposed in cases commenced and disposed of during the fiscal year, which, with the \$725 in fines collected for cases begun prior to July 1, 1916, but disposed of during the fiscal year 1916-17, makes a total of \$12,385.

	Fiscal year 1915 (12 months)		Fiscal year 1916 (9 months)		Fiscal year 1917 (12 months)	
	Prosecutions completed	Fines imposed	Prosecutions completed	Fines imposed	Prosecutions completed	Fines imposed
Factories.....	845	\$4,387	1,023	\$9,856	2,835	\$25,259
Mercantile establishments.....	876	5,842	840	6,790	1,617	12,385
Totals.....	1,721	\$10,229	2,763	\$16,646	4,452	\$37,635

An analysis of the figures relative to prosecutions show a total of 4,452 prosecutions disposed of during the fiscal year relative to violations of the Labor Law, and \$37,635 imposed in fines. This shows a large increase in prosecutions and fines imposed over that of the previous fiscal year, but it should be understood that the fiscal year 1915-16 only covered a period of nine months, from October 1, 1915, to June 30, 1916, due to the enactment of chapter 118 of the Laws of 1916, which changed the beginning

of the fiscal year from October 1 to July 1. Nevertheless, considerable increase is shown in the number of prosecutions and fines, when allowance is made for the number of months in each fiscal year.

It seems strange that some of the courts in the State do not realize their responsibility under the Labor Law. Should some of the judges trying labor law cases impose the fines provided by the penal provisions of the law, the duties of the inspection force would be greatly lessened, and a far greater respect for the law would be engendered among those manufacturers and merchants who feel they can take a chance of violating the law and depend on the mercy the court generally shows when the defendant is charged with a violation of the Labor Law.

The work in connection with prosecutions imposes considerable labor on the inspection force. They must secure all the evidence which forms the basis of the charge and must serve the warrants or summons on the person or corporation responsible for the violation. Therefore, it has always been our policy to send a "Counsel Letter," fixing a final date for compliance with the order issued, before a prosecution is commenced. This practice is followed in all cases except child labor and illegal hours violations. Regardless of this policy, we are compelled to institute an increasing number of prosecutions each year. This clearly demonstrates what has been stated many times that some manufacturers and merchants will not comply with the provisions of the law until the Department of Labor has exerted all its efforts and finally summoned the violator to court.

In view of the well-defined policy of the Department, relative to prosecutions, it seems that the judges of our courts should realize that those violators who are disposed to take up the time of the courts and our inspectors, because of their failure to comply with the law or because of their absolute defiance of the law, should be severely dealt with. If, as very often happens, the case is dismissed or sentence is suspended, the defendant leaves court with little respect for the courts or the law. If the judges before whom the cases are taken would impose a fine, there would be a higher regard for the law and we would have fewer cases to present to the courts.

**MONTHLY REPORTS**

The compiling and publishing of the monthly report of the work accomplished by the Bureau of Inspection has been in vogue a sufficient time to manifest its immense value to the Bureau from an administrative point of view. This report gives far greater details of the work than is published monthly in The Bulletin. The complete figures are of considerable aid in enabling the Bureau to keep in close touch with the vast details of the work necessary to enforce the numerous provisions of the Labor Law, and in securing accurate information as to the progress of the work performed by the inspection force in each district in the State as the work advances throughout the year.

The publication of the figures in The Bulletin shows the work accomplished for each month, and the figures relating to the work performed for the fiscal year, as we advance from month to month, has enabled those interested in the work of the Department and the application and enforcement of the Labor Law to learn what progress is being made. There have been many expressions of satisfaction with this policy since its adoption, and there seems to be a general feeling of greater confidence in the work of the inspection force. Formerly, when the figures were compiled yearly, they were usually published so long after the fiscal year's work had been completed, that all interest in the results accomplished had ceased.

If these figures of the monthly report are carefully studied, one will readily realize the large amount of work that must be accomplished by the inspection force, in connection with various phases of the many duties which the inspectors have to perform.

**INDUSTRIAL CODE AND RULES**

The codes and rules are provided to aid in the application and enforcement of the Labor Law. In order to do this effectively, the codes should be of a proper standard and practical in their application to the industries or conditions to which they may relate. The wording should be clear and free from any misunderstanding or technicalities, and in this respect some of our present codes should be revised.

As suggested in last year's report, we are in need of proper codes on dangerous machinery, proper lighting, dangerous trades

and aisle space in factories. It is essential, in connection with the code on dangerous machinery, to provide for the proper spacing of machinery, for the narrow passages between many dangerous machines are productive of many injuries, and increases the difficulty of properly guarding the machine in order to protect the operator.

#### SAFETY MANUAL

The Industrial Commission approved the plan to provide a "Safety Manual" for the use of the inspection force and the manufacturers of the State, as recommended in my report for 1915, but owing to lack of appropriation, there have been no funds available for this work.

By the experience gained in performing the inspection work, it is very evident that splendid results could be accomplished by the publication of such a manual; it would greatly aid in promoting safe practices in the various industries of the State, and I would recommend that the Legislature be requested to make ample provision in providing funds to promote this line of endeavor, which would tend to promote safety and reduce the number of injuries to those working in the State.

#### CONCLUSION

Concluding this report, it is my desire to express appreciation of the splendid work accomplished by the inspection and office force in general, who have performed their respective duties in a very creditable manner.

I also desire to again call attention to the numerous and exacting duties required of the inspection force, the knowledge of the law and codes they must acquire and the grade of work that must be performed by the average inspector of the Department.

This report shows excellent results obtained by the Inspection Bureau, and, while improved methods have accomplished much, great credit is due the inspection and office force in general for the splendid cooperation on their part and the efforts they have put forth to bring the work of the Department to its present standard.

In former reports the difficulties experienced by the inspectors in the performance of their duties have been clearly set forth. In many instances these duties must be performed in the face of disagreeable and very trying circumstances. The inspection force

is subjected to many hazards and are apt to suffer ill effects from performing their duties, being subjected to different degrees of temperature in the various establishments visited.

I would feel remiss in my duty were I to close this report without renewing my recommendation of last year relative to increasing the salary of the inspectors.

I recommend that consideration be given the question that the salary be made commensurate with the duties required. This is essential in order that persons with practical knowledge and training may be attracted to the service. Because the present salary for first grade inspector is less than the salary paid many mechanics, many capable men on the civil service list have refused to accept employment with the State for less salary than is paid mechanics, and thus the State loses the services of persons whose practical training would fit them for the duties of an inspector.

At this time the question of salary of inspectors is more acute than it was when my last report was submitted. It is needless for me to speak of the increase in the cost of living, and I sincerely trust that the Legislature will realize the necessity of providing a salary adequate with the character of service required of an inspector in the Department of Labor.

The general results achieved by the Inspection Bureau show a very satisfactory condition. I desire to express my appreciation of the valuable assistance rendered by the Industrial Commission, and the cooperation given by the Legal and Statistical Bureaus, also all those who have in any capacity assisted in accomplishing these results.

JAMES L. GEENON,  
*First Deputy Commissioner.*

**(2) REPORT OF DIVISION OF MERCANTILE  
INSPECTION**

*To the First Deputy Commissioner:*

Herewith is submitted the annual report of the Division of Mercantile Inspection, for the twelve months ended June 30, 1917; statistical tables in the appendix show in detail the work of the division. This completes the ninth year's work of the mercantile division. By comparing this report with the results of former years, it will be seen that the work of the division has substantially increased.

**COMPLAINTS**

During the fiscal year 1916-1917, 1,426 complaints were received and investigated, an increase over the number received during the preceding year. The statistical tables show a classification of the complaints received.

**CHILD LABOR**

As in the past, one of our vital problems is that of child labor; the increased number of mercantile establishments, together with changed business conditions due to the war, makes the enforcement of the child labor laws increasingly difficult, especially in view of the fact that our already inadequate force of inspectors has not been increased. Numbers of young men formerly employed in mercantile establishments have enlisted in the army and navy, thereby creating many vacancies which some employers have sought to fill by substituting children; the greatly increased cost of living is responsible for parents seeking employment for their children, and these conditions have added greatly to the work of the mercantile division.

**HOURS OF LABOR FOR FEMALES**

Where females are employed in mercantile establishments, a notice showing their required hours of labor must be posted; in order that the terms of this notice shall be observed, constant surveillance of such establishments is necessary, especially during the prohibited hours, that is before 7:00 A. M. and after 10:00 P. M. Many proprietors of mercantile establishments were

prosecuted during the past fiscal year, for employing females after prohibited hours; in spite of this and numerous letters of warning sent to proprietors of these establishments, reports are constantly received of further violations of this section of the law.

In addition, the last session of the Legislature added the following section to Article 12 of the Labor Law, known as the "Restaurant Law":

In cities of the first and second class no female over the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any restaurant more than six days or fifty-four hours in any one week, or more than nine hours in any one day, or before six o'clock in the morning or after ten o'clock in the evening of any day. This subdivision shall, however, not apply to females employed in restaurants as singers and performers of any kind, or as attendants in ladies cloak rooms and parlors, nor shall it apply to females employed in or in connection with the dining rooms and kitchens of hotels, or in or in connection with lunch rooms or restaurants conducted by employers solely for the benefit of their employees.

This act regulating the hours of labor for females in restaurants, will no doubt prove to be of benefit to a vast number of females, who are now allowed to work greatly in excess of the hours permitted by the new act. This act will add about 8000 establishments to those already under our supervision, and, being a new feature of the law, will entail much additional labor. Owing to conditions created by the war, females are now employed in many business houses and offices which formerly employed males only. I believe the provisions of the law regulating sanitary conditions and hours of labor for females should be amended so as to cover not only the establishments above mentioned, but to all places enumerated in Section 161 of Article 12.

#### MEAL TIME

Subdivision 3 of Section 161 permits employers to allow but twenty minutes for supper time for employees working after 7:00 p. m. This amount of time is wholly inadequate and should be extended to at least forty-five minutes.

#### SECTION 8-A

Our limited force of inspectors prevents the frequent and systematic inspection of establishments operating on Sunday, which is necessary to a satisfactory enforcement of Section 8-a, known as the "Day of Rest Law".

### SANITATION

The necessity for improvement in heating, lighting, ventilation and general sanitary conditions in offices has long been recognized. We have been frequently asked by concerns who are employing females for the first time, whether any provisions of the Labor Law exist covering sanitation or relating to the hours of labor for females employed in offices. It would also be of great benefit to both employees and the general public, if sanitary conditions in lunch rooms and restaurants were placed under the direct supervision of this Department.

The fact that the law fails to specify whether the owner or tenant is responsible for complying with orders issued relating to water-closets, washrooms, etc., greatly hampers this division in carrying out the purpose of the section of the law relating to these matters.

The Industrial Commission is now preparing rules and regulations to carry into effect the provisions of Section 20-b, relating to mercantile establishments, which reads as follows:

All factories, factory buildings, mercantile establishments and other places to which this chapter is applicable, shall be so constructed, equipped, arranged, operated and conducted in all respects so as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein.

When these rules become effective they will add greatly to the work of this division.

### RECOMMENDATIONS

1 Section 79 of Article 6 of the Factory Law provides for the safeguarding of elevators and hoistways in factory buildings. A similar provision should be made for the elevators and hoistways in mercantile establishments, as unguarded shafts and hoistways are dangerous wherever located.

2 It is recommended that our jurisdiction be extended to secure proper guarding of machinery used in mercantile establishments, which at present is often a menace to the safety of employees.

3 A much larger force of inspectors is needed for the following reasons:

To procure for the children of this State the protection the child labor laws were intended to provide.

To satisfactorily accomplish the full intent and purpose of Section 161, including the recent amendment affecting restaurants.

To enforce the rules and regulations now being formulated by the Industrial Commission, relating to means of exit for mercantile establishments.

To make more frequent and systematic inspections of establishments open on Sunday.

4 It is recommended that twenty inspectors be added to our present force, to enable us to procure a better enforcement of the provisions of Article 12. As the work in the office increases with additional inspectors, provision should be made for sufficient capable help to properly handle this increase.

5 It is recommended that forty-five minutes be allowed for supper for employees in mercantile establishments working after 7:00 P. M.

6 *Re Section 8-a:* It is recommended that the law be amended to include within its scope all classes of employees now compelled to work seven days a week.

7 It is recommended that the provisions of the law, regarding the hours of females, be amended to cover females employed in all the establishments enumerated in Section 161.

8 Sanitation: It is recommended that the jurisdiction of the Division of Mercantile Inspection be extended to cover all establishments enumerated in Section 161 of Article 12.

9 It is recommended that the laws be amended so as to definitely place the responsibility for complying with orders regarding sanitary conditions, Section 168.

The increased amount of work accomplished by this division, during the past fiscal year, proves the efficiency and faithfulness of our field and office force, who have given years of faithful service to the work, and merits an increase in salary as an acknowledgment of their capable work and to meet the demands of the increased cost of living.

CHARLES B. ASH,  
*Chief Mercantile Inspector*

**(3) REPORT OF DIVISION OF HOMEWORK  
INSPECTION**

*To the First Deputy Commissioner:*

The report of the services performed by the Division of Homework Inspection during the year ending June 30, 1917, is here-with respectfully submitted:

The amount and character of the work performed by the field force has been as satisfactory as could be reasonably expected, in view of the present inadequate force of inspectors assigned to the Division, but we have been unable to make our inspections as full and complete as the provisions of Article 7 of the Labor Law demands.

I must again register my annual complaint against this condition. It is clear that until a sufficient number of inspectors are assigned to this work there can be no adequate enforcement of this law. The arrangement and order of the provisions of the law are such that it is very difficult to work out a system of practicable application for its enforcement. Apparent laxity of enforcement of the law in detail is largely due to this fact, but aside from this it is a physical impossibility for the present small force of inspectors to give to all the details of the law the time and attention necessary for effective enforcement. Except to a limited extent the "follow-up" method of investigations must be omitted from the routine of field work. Sections 101, 105 and 106 of the statute have to be entirely attended to by correspondence—a most unsatisfactory method. Yet no other way is possible with the present small field force. The second semiannual inspection of licensed houses as directed by Section 100 has to be wholly omitted as must be the patrol of congested sections in New York City where factory homework abounds.

Only limited inspection visits have been made to the smaller upstate cities or mill towns. These are only a few of the compulsory inadequacies of the Division's work, all of which are due to the same cause — namely, an insufficient number of inspectors.

We have done the very best work possible with the staff provided for us and will continue to do so, hoping that the Legislature may soon extend to us the relief so much needed and so long and urgently requested. An adequate force of inspectors will enable us to apply and enforce properly and correctly this homework feature of the Labor Law and thus obtain the results that are so obviously indicated in the law itself.

The primary duties of the Division under the law have been well attended to. All applications for new licenses filed in the office have been disposed of. One complete inspection (two are required by law), of all houses licensed prior to July 1, 1916, has been made. Any child labor violations discovered have been closely scrutinized, and the field force has given all possible attention to this very important feature, yet the field survey of this subject has not been as broad as we desire it nor as thorough as we believe the importance of the matter warrants. Again our lack of personal service has stood in the way.

As a matter of some slight evidence that every person connected with the Division was active at all times during the year is a record that 16,767 separate pieces of mail were sent out from this office.

The following is a summarized account of the activities of the force for the year beginning July 1, 1916, and ending June 30, 1917:

Total inspections of all applications for new licenses.....	3703
Total inspections of licensed tenement houses.....	15396
Licensed rear factory shop inspections.....	240
Cases of violations of law where the use of the tenement tag was imperative.....	823
Number of violations referred to counsel.....	103
Number of cases prosecuted.....	73
Number of children under 16 years of age found at work in the home.....	613
Number of complaints investigated.....	249
Number of observation reports filed of houses not licensed but suspected of containing homeworkers.....	4234
Time spent in court on prosecutions.....	300 hours
Visits made to enforce compliance with orders issued.....	7648
Licenses canceled for various causes (mostly because of the absence of all work for period exceeding six months).....	1617
Licenses revoked for sanitary reasons.....	819
Applications canceled after investigation had been made.....	331

In the 613 children found at work in the home— are included seven children who were found in houses not licensed. The ages of these children ranged from three to fifteen years and ten months. Further facts concerning them were as follows:

Number of female children.....	487
Number of male children.....	126
Found working and attending school.....	574
Found working and not attending school.....	39
Found working before school hours.....	177
Found at work during noon time.....	149
Found at work between 3 and 6 o'clock P. M.....	243
Found at work between 6 and 8 o'clock P. M.....	35
Found at work after 8 P. M.....	9
Number of children found employed on articles of clothing.....	407
Employed on articles of embroidery.....	70
Employed on articles of children's wear.....	14
Employed on articles of flowers or feathers.....	122
Children found working in New York City.....	598
In the rest of the State.....	15

It should be understood that none of these children were working for given wages, but all were employed helping their parents who are the persons directly responsible for their employment.

During the year the two up-state inspectors reported finding factory work in 6,600 non-tenement or dwelling houses. This information was obtained by them while performing the work of verifying lists of homeworkers submitted by factory employers in Albany, Amsterdam, Buffalo, Gloversville, Johnstown, Niagara Falls, Poughkeepsie, Rochester, Syracuse, Tonawanda, Troy, Utica and Yonkers.

Add to these figures 2,500 dwelling houses in New York City, making a total of 9,100 homes other than tenement houses in which work was found and over which the law gives no control whatever.

These figures are not meant to convey the impression that a complete survey was made of homework in dwelling houses even in the city in which they were found, as no effort was made to find such homeworkers except in so far as it had to do with the verification of the lists before mentioned.

Factory work done at home in such buildings is exempt from the provisions of Section 100, consequently we have no legal authority to enter upon or in any way interfere with any work of the tenants occupying them.

The observation reports of inspectors filed for many of these places do not show in all cases that the rules of cleanliness always prevail in the homes in this class of buildings. The board of health of Amsterdam filed a complaint with the Department that young children were doing factory work in homes in that city. A

careful investigation of this complaint was made and the inspector's report shows 35 children found at work in their homes but not a single violation of this character was found outside of the home in a dwelling or non-tenement house. The ages of the children found as a result of this complaint range from 3½ to 15 years. Every one of these children, except the youngest child, attended school regularly. The work they were found doing was carding buttons; the time devoted to it was before or after school hours. This was a very serious condition to find in one small city yet we were without any power to institute any legal action whatever against it; notwithstanding that fact, I believe the efforts of the Department which were employed had the effect of putting a stop to this wrongful practice.

New licenses were issued as follows: In New York City, 3,115; in other parts of the state, 358. The number of notices issued under Sections 101, 105, and 106 was 2,468. Factory permits issued to factory owners under section 106 numbered 439; permits canceled were 164, and permits revoked, 8. On July 1, 1917, there were 2,596 recorded outstanding factory permits.

On July 1, 1916, the number of recorded licensed buildings, as shown by outstanding licenses, was 14,846. The number of buildings licensed on July 1, 1917, was 15,883; making a net increase in licensed tenement houses for the year of 1,037. Of these licensed buildings, New York City has 15,146; the rest of the state 737.

The total of all persons found at work in licensed tenement houses in the state was 20,619. Of this number 3,597 were found at work in stores or apartments entirely separate from rooms used for living. The total of all rooms or apartments in tenements used for work under the law is shown to be 15,251. Of this number 1,413 were found to be legal work shops; that is, shops in tenement houses that are permitted by law. Apartments found to be used by tenants for both work and living purposes were 13,838, in which were found 17,022 persons who can be classed as actual homeworkers.

The number of separate orders issued against licensed tenement houses was 3,992. The number of compliances secured and recorded was 3,959. Of these orders, 3,497 related to buildings

in New York City and 495 were against buildings in up-state communities.

The noticeable increase in licensed houses hereby given is wholly chargeable to existing economic conditions. The extreme high cost of every item or article needed for family use or support has driven many housewives to seek homework employment who never before were obliged to do work of this character. The increase in homeworkers is noticeable among the following races: Americans, Italians, Austrians, Armenians, Roumanians, Bohemians, Swedes, and French.

Articles of clothing, embroidery, lacework, and gloves of all kinds show the industrial drift of the increase in workers.

Of the licensed houses inspected 5,696 were found to contain no workers at time of visitation. This would leave 9,679 houses in which work was actually found going on. Of the 20,619 persons reported at work in licensed tenements, 15,406 were found employed on articles of clothing, of whom 7,782 were doing factory work and 7,624 were employed on individual or custom work. Persons found at work on feathers were 99, which was mostly of a private character. There were found working on flowers, 1,096; on lace and embroidery, 1,522.

There were 33 different races represented in the 20,619 persons found at work. According to classes, the workers may be classified as follows: Italian, 10,588; Jewish, 6,439; American, 1,341; German, 933; leaving only 1,318 persons to be distributed among the 29 other races.

These figures do not include persons found in licensed shops in the rear of tenements, but do include those found at work in shops in tenements and in dwellings in the rear of tenements.

The large number of revoked licenses reported is due to the paralysis epidemic of last year. Such action was taken pursuant to a resolution of the State Industrial Commission dated July 12, 1916, authorizing the revocation of the license of any tenement house reported by the Department of Health to contain a case of infantile paralysis.

All parties interested were duly notified of the action taken in such case. I think it of interest to quote the following letter received from the Department of Health of New York City in

answer to a specific complaint sent to that body, where our inspector acting under orders, tagged all work in a licensed tenement house in which he found a case of paralysis. The letter gives the attitude of that body on this subject.

July 28, 1917.

Mr. DANIEL O'LEARY, *Chief, Division of Homework Inspection, 381 Fourth Ave., N. Y. City:*

DEAR SIR:—In reply to your letter of July 17th regarding poliomyelitis at 223 Johnson avenue, Brooklyn, I would say that in our opinion there was no occasion for your inspector to affix the label prescribed by section 102 of the Labor Law to the goods from that house, as same were not manufactured in infected apartment.

This Department does not quarantine any adults in infected premises and only the children under sixteen years of age in the infected families. We do not interfere with manufacturing in other apartments. There is no necessity for disinfection.

Respectfully yours,

(Signed) JOHN S. BILLINGS,  
*Deputy Commissioner.*

After the receipt of this letter, we ceased tagging under the circumstances referred to therein, but acting under the authority of the aforesaid resolution of the State Industrial Commission, I continued to revoke licenses in houses where paralysis cases existed as reported by the Board of Health or by our own inspectors and notified the Board of Health of my action. This Division was furnished with daily reports by the Department of Health.

Many letters have been received from employers who engage homeworkers as the result of notices we have sent to them where children were found employed on their work. These letters point out that the employers are accustomed to warn homeworkers against employment of children, even to the extent of the circulation by one manufacturers' association of printed notices containing such a warning printed in the workers' language. These letters and notices show the attitude of employers (especially manufacturers generally) on the subject of child labor of this character. They also indicate the difficulty of enforcing this child labor provision as it is written into the law.

I quote also one letter of many received which gives an insight into the parent's view of the question:

**MR. O'LEARY:**

DEAR SIR.—Having received a letter from you to not let my wife have no more finishing coats for the shop of Krauczunos, Sauter & Company, 429-31 So. 5th Street, please Mr O'Leary do not do that. You well know that if I did not have a big family of 8 children my wife would not be the way she is trying to do. Think Mr O'Leary the cost of living now, then say if my wife is right or not the way she is trying the best she can to make things meet because of the big family that we are. Now about the girl 14 years old, (this girl was found working), there are lots of them 10, 11, 12, and 14 walks the streets any hour of day and night and there is no law for them. Now where a good mother is trying and a good father the same to keep their children from harm, it is against the law; don't you think Mr O'Leary it is better to keep them home to help the mother or to let them play with the boys in the streets. Please answer this letter and let me know if my wife can get work or not. But please help me. My work is bootblacking and if I could afford it my wife would never work, but we are a big family and must do the best we can.

Your Servant.

I have made no note of many verbal appeals made to me to allow children "to help a little to support the family." The arguments and appeals made in this letter are characteristic and are interesting in showing the reason of child labor in the home from the worker's standpoint.

I wish to commend the working force of the Division for their co-operation and assistance in conducting the duties of the Bureau. I feel that I can say that each one has tried to do his best. I know that each person was willing and obliging in performing the tasks set before him.

DANIEL O'LEARY,  
*Chief, Division of Homework Inspection.*

**(4) REPORT OF DIVISION OF INDUSTRIAL HYGIENE**

*To the First Deputy Commissioner:*

On July 1, 1916, the Division of Industrial Hygiene of the Bureau of Inspection entered upon its third year of work, the direction of which was entrusted to the Chemical Engineer.

The work for the year shows an increase in the number of special inspections, special investigations and pamphlets prepared and published, over the previous year, accomplished with a small force, and resulting in a corresponding increase of orders issued, particularly in the prevention of occupational diseases, and complaints relative to the removal of dust, fumes and gases.

**APPROVED PLANS FOR VENTILATION SYSTEMS**

All plans for the approval of exhaust systems and ventilation systems, which were turned over to the division, were passed upon, in numerous instances necessitating conferences with the designers of the plans, both at the places where they were to be installed and at the Department's offices. The manufacturer, in every case received the full benefit of the experience of the examiners in correcting errors before installing the systems. This resulted in more effective devices at less cost and without loss of time and, when finally erected, these systems were in full compliance with the law.

**OCCUPATIONAL DISEASES**

A large percentage of the time of the medical inspectors and other physicians was occupied in the investigation of occupational diseases, reported to the Industrial Commission in accordance with Section 65 of Article 6 of the law, and in making necessary medical inspections and physical examinations in the survey of certain dangerous trades investigated.

From various parts of the State there came reports of persons suffering from lead poisoning, compressed air illness, mercurialism, anthrax and other illnesses contracted in industry. These necessitated visits to both victim and place of employment. Remedial measures were in the majority of cases ordered and

the person affected was personally instructed how to prevent recurrence. Relating to these special inspections, two hundred and twenty-nine (229) orders were issued to factory proprietors with the result that in by far the greater number of cases, repetition of the conditions did not occur.

#### INVESTIGATION OF DANGEROUS TRADES

During the fiscal year an investigation was conducted in the factories of the State where aeroplanes were manufactured, it having been reported that employees, engaged in varnishing these machines, fell victims to certain fumes given off from the varnish. Eight (8) factories in various parts of the State were visited, physical examinations made of the varnishers, chemical tests made of the varnishes in the laboratory of the Department and conditions noted under which the men worked. Orders were in all cases issued to ameliorate the conditions with particular reference to ventilation, the report of which was published in the Department's bulletin.

An investigation of the factories making Paris green and Scheele's green was made. The survey, published as Special Bulletin No. 83, revealed a large number of cases of arsenical poisoning among the workers, due to lack of knowledge on their part as to the extremely poisonous nature of these substances. The reason for the failure to report these cases to the Commission was, no doubt, due to the fact that when a worker became affected, he usually left the employ, all traces of him having gone with him. Certain rules were pointed out in the report to rectify conditions and orders were issued wherever the law applied.

Special Bulletin No. 82, entitled "Hoods to Remove Fumes and Gases," was prepared with the object of giving information to manufacturers as to how to provide the most effective devices for their removal. This pamphlet, which is illustrated, points out many ways to effectively deal with conditions met with in factory practice to guard the health of workmen exposed to dust and gases.

Upon a resolution of the Senate to investigate conditions in buildings in Albany in which State employees were engaged at work, an investigation was conducted by the division. Light

and ventilation tests were conducted and physical examinations of employees were made. It was shown, after a month's work, that three hundred and seven (307) orders would be necessary to conform these buildings to the Labor Law, if the buildings were factories.

#### CODE COMMITTEES

During the year, the Chemical Engineer was appointed to the Board of Approval on fire alarm apparatus, and a member of the Committee on Dangerous Trades and the Committee on Factory Lighting. The knowledge, gained from conducting investigations by the division, greatly facilitated the work of the committees in drawing up the tentative codes.

#### ROUTINE WORK

Besides the work enumerated, one hundred and eighty-eight (188) matters were referred to the division for scientific tests to determine the necessity of issuing orders relating to the removal of dust, fumes, gases, vapors and heated air. Chemical analyses of air, wall dust and physical tests, as well as physical examinations by the medical inspectors, played an important part in this work. The analyses of unknown substances, clothing, urine and microscopical work assisted the physicians in solving many problems otherwise impossible without this kind of information. A total of one hundred and eight (108) analyses were made during the year, besides many other tests in the field.

#### THE LABORATORY

The laboratory, the office of the division, is now well equipped with apparatus for carrying on chemical research work and making field air tests and examinations. It is too small as an office and laboratory for carrying on the work of the entire Division of Industrial Hygiene.

It is respectfully recommended that additional room be provided for the division on account of the crowded condition in which the members are obliged to work in preparing reports, looking up references and keeping their records and instruments.

The following is a recapitulation of inspection work performed relating to occupational diseases, complaints and research work:

## INSPECTION WORK OF THE DIVISION OF INDUSTRIAL HYGIENE, JULY 1, 1916, TO JUNE 30, 1917

Medical inspections in field.....	8,441
Physical examinations.....	1,403
Special inspections.....	145
Diseases investigated (found and reported).....	377
Field investigations.....	1,267
Research investigations.....	594
Complaints investigated.....	29
Compliance visits.....	163
Chemical analyses.....	108

JOHN H. VOGT,

*Chemical Engineer in Charge of the Division.*



**Appendix****STATISTICAL TABLES**

(Compiled by the Bureau of Statistics and Information)

**Factory Inspection**

1. Work of factory inspectors.
2. Work of factory inspectors, by supervising districts.
3. Orders issued by the Division of Factory Inspection and reported compliances therewith.
4. Orders issued by the Division of Industrial Hygiene and reported compliances therewith.
- 5-A. Prosecutions for violations of the Labor Law in factories. (A) Proceedings instituted prior to July 1, 1916.
- 5-B. Prosecutions for violations of the Labor Law in factories (concluded). (B) Proceedings instituted in current year.
6. Violations of the Labor Law in factories referred to counsel without issuance of orders.
7. Cases for prosecution referred by the Division of Factory Inspection to district attorneys, and disposition thereof.
8. Children found illegally employed in factories.
9. Children for whom proof of age was demanded in factories.
10. Children found at prohibited employment in factories.
11. Children 14 to 16 years of age found employed in factories.
12. Illegal hours or prohibited employment of women or male minors or violations of day-of-rest law in factories.
13. Complaints, alleging violation of the Labor Law in factories, investigated.

**Homework Inspection**

14. Work of homework inspectors.
15. Licensing of tenements.
16. Registers of outside workers.
17. Permits to factory owners to send work to tenements.
18. Orders issued by the Division of Homework Inspection and reported compliances therewith.
19. Children found illegally employed in licensed tenement living rooms.

**Mercantile Inspection**

20. Work of mercantile inspectors, by kinds of work.
21. Work of mercantile inspectors, by localities.
22. Orders issued by the Division of Mercantile Inspection and reported compliances therewith.
- 23-A. Prosecutions for violations of the Labor Law in mercantile establishments. (A) Proceedings instituted prior to July 1, 1916.
- 23-B. Prosecutions for violations of the Labor Law in mercantile establishments (concluded). (B) Proceedings instituted in current year.

24. Violations of the Labor Law in mercantile establishments referred to counsel without issuance of orders.
25. Cases for prosecution referred by the Division of Mercantile Inspection to district attorneys, and disposition thereof.
26. Children found illegally employed in mercantile establishments.
27. Children for whom proof of age was demanded in mercantile establishments.
28. Children 14 to 16 years of age found employed in mercantile establishments.
29. Illegal hours of women or male minors or violations of day-of-rest law in mercantile establishments.
30. Complaints, alleging violation of the Labor Law in mercantile establishments, investigated.

#### Industrial Diseases

31. Industrial diseases reported under section 65 of the Labor Law.

#### Employment Certificates

32. Child labor certificates reported issued.

**Table 1 — WORK OF FACTORY INSPECTORS**

	<b>YEAR ENDED JUNE 30, 1917</b>			<b>Nine months ended June 30, 1916</b>
	<b>First Inspection District</b>	<b>Second Inspection District</b>	<b>Total State</b>	
Number of regular inspections of:				
Factories occupying whole buildings.....	7,629	11,662	19,291	13,715
Tenant factories.....	33,973	5,145	39,118	20,823
Bakeries.....	58	1,531	1,589	1,440
Total.....	41,660	18,338	59,998	35,978
Number of special inspections (with or without orders).....	12,659	4,395	17,054	3,751
Number of complaints investigated.....	2,171	368	2,539	3,583
Number of building surveys.....	23,065	13,980	37,045	22,945
Number of special investigations.....	8,533	1,934	10,467	7,572
Number of compliance visits:				
First visits.....	33,892	13,565	44,457	26,828
Subsequent visits.....	33,075	14,531	47,606	35,499
Total.....	63,967	28,096	92,063	62,317
Number of tagging cases (exclusive of "assisting"):				
Section 95 (unclean factories).....	1,151	1	1,152	357
Section 114 (unclean bakeries).....		14	14	3
Section 81 (dangerous machinery).....	584	40	624	75
Section 19 (scaffolds).....	2	6	8	15
Total.....	1,737	61	1,798	450
Number of miscellaneous matters.....	5,079	3,280	8,359	25,303

Table 2—WORK OF FACTORY INSPECTORS FROM JULY 1, 1916 TO JUNE 30, 1917, BY SUPERVISING DISTRICTS

KIND OF WORK	First Inspection District						Total
	First Super-vising District	Second Super-vising District	Third Super-vising District	Fourth Super-vising District	Fifth Super-vising District	Supervisors	
Number of regular inspections of:							
Factories occupying whole buildings.....	4,889	948	369	299	1,124	.....	7,629
Tenant factories.....	6,452	8,042	7,236	5,342	6,001	.....	33,973
Bakeries.....	58	.....	.....	.....	.....	.....	58
Total.....	11,399	8,990	7,605	5,641	8,025	.....	41,660
Number of special inspections (with or without orders).....	2,708	2,683	2,782	2,570	1,852	55	12,659
Number of complaints investigated.....	†	†	†	†	†	†	2,171
Number of building surveys.....	9,169	3,891	2,687	1,819	5,499	.....	23,065
Number of special investigations.....	1,560	2,811	1,481	680	435	1,566	8,533
Number of employees at time of inspection.....	240,696	168,748	144,446	129,184	108,843	.....	781,017
Number of compliance visits:							
First visits.....	6,495	8,768	7,567	4,384	3,678	.....	30,892
Subsequent visits.....	6,098	11,238	6,622	5,762	2,937	418	33,075
Total.....	12,593	20,006	14,189	10,146	6,615	418	63,967
Number of tagging cases (exclusive of "assisting"):							
Section 95 (unclean factories).....	83	401	580	69	18	.....	1,151
Section 114 (unclean bakeries).....	.....	.....	.....	.....	.....	.....	.....
Section 81 (dangerous machinery).....	26	101	440	14	3	.....	584
Section 19 (scaffolds).....	.....	.....	2	.....	.....	.....	2
Total.....	109	502	1,022	83	21	.....	1,737
Number of miscellaneous matters.....	1,097	1,627	887	813	605	50	5,070

KIND OF WORK	Second Inspection District						Total State
	Sixth Super-vising District	Seventh Super-vising District	Eighth Super-vising District	Ninth Super-vising District	Super-visors	Mine Inspector	
Number of regular inspections of:							
Factories occupying whole buildings.....	2,902	3,228	2,386	3,121	.....	*25	11,662
Tenant factories.....	1,474	926	1,271	1,474	.....	.....	5,145
Bakeries.....	651	348	250	282	.....	.....	1,531
Total.....	5,027	4,502	3,907	4,877	.....	*25	18,338
Number of special inspections (with or without orders).....	1,161	479	2,080	662	13	.....	4,395
Number of complaints investigated.....	†	†	†	†	†	.....	368
Number of building surveys.....	4,792	1,234	3,454	4,474	.....	*26	13,980
Number of special investigations.....	221	381	63	459	810	.....	1,634
Number of employees at time of inspection.....	193,575	150,846	115,897	165,093	.....	.....	625,411
Number of compliance visits:							
First visits.....	4,396	3,662	1,978	3,529	.....	.....	13,565
Subsequent visits.....	4,575	2,613	2,231	4,740	372	.....	14,531
Total.....	8,971	6,275	4,209	8,269	372	.....	28,096
Number of tagging cases (exclusive of "assisting"):							
Section 95 (unclean factories).....	1	7	.....	4	.....	.....	1
Section 114 (unclean bakeries).....	3	.....	.....	4	.....	.....	14
Section 81 (dangerous machinery).....	3	12	.....	25	.....	.....	40
Section 19 (scaffolds).....	.....	.....	2	4	.....	.....	6
Total.....	7	19	2	33	.....	.....	61
Number of miscellaneous matters.....	291	283	1,266	1,352	88	.....	3,280

\* Factory inspections in connection with mines and quarries.

† Data not available by supervising districts.

Table 3—ORDERS ISSUED BY THE DIVISION OF FACTORY INSPECTION AND REPORTED COMPLIANCES THEREWITH FROM JULY 1, 1916, TO JUNE 30, 1917

SUBJECT OF ORDERS	NUMBER OF ORDERS ISSUED IN—			NUMBER OF COMPLIANCES REPORTED IN—			
	First Inspection District	Second Inspection District	Total State	First Inspection District	Second Inspection District	Total State	
I. ADMINISTRATION.....	51,978	6,119	58,097	52,222	6,156	58,278	
1. Posting of laws, permits, notices, etc.....	51,823	6,070	57,893	52,047	6,083	58,130	
2. Keeping of records, registers, etc.....	155	48	203	170	65	235	
3. Reporting to Department.....	.....	1	1	5	8	13	
4. Interfering with inspector.....	41,157	12,418	53,555	45,122	18,079	63,201	
II. SANITATION.....	19,983	5,981	25,964	22,234	8,950	31,184	
1. Toilet facilities:	4,105	1,365	5,470	4,206	1,965	6,171	
a. Water closets.....	6,953	562	7,515	7,949	994	8,943	
b. Wash rooms (including personal cleanliness).....	2. Cleanliness or repair of work-rooms, halls, etc.....	8,792	2,751	11,543	9,384	3,571	12,955
c. Dressing rooms.....	.....	29	72	101	36	114	150
2. Ventilation, heat and humid-ity:	781	814	1,595	720	1,034	1,763	
a. General.....	143	14	157	156	22	178	
b. Removal of dust, fumes, etc.....	69	318	387	53	463	516	
3. Lighting.....	282	541	823	375	966	1,341	
4. Meals.....	1,164	2,321	3,485	1,223	3,025	4,248	
5. Drinking water and drinking cups.....	791	176	967	956	245	1,201	
6. Sanitation of living quarters.....	18,695	17,312	36,007	18,998	21,952	40,950	
III. ACCIDENT PREVENTION.....	455	4,524	4,979	3,447	9,454	12,901	
1. Elevators and hoistways.....	408	442	850	554	632	1,186	
2. Machinery (including vats, pans, etc.).....	1,164	2,321	3,485	1,223	3,025	4,248	
3. Switchboards.....	30	372	402	1,211	339	1,550	
4. Stairs, platforms, pits, floors, etc. (including repairs).....	2	128	130	42	182	224	
5. Lighting to prevent accidents.....	48	487	517	.....	2	2	
IV. FIRE PROTECTION.....	1,254	8,430	9,684	7,149	10,332	17,481	
1. Structural conditions:	69	2,538	2,607	976	2,203	3,179	
a. Number of exits.....	156	1,049	1,205	1,455	1,419	2,874	
b. Doors, doorways and windows.....	30	372	402	1,211	339	1,550	
c. Stairways.....	2	128	130	42	182	224	
d. Fire escapes.....	4	4	4	.....	2	2	
e. Partitions.....	2	19	21	40	41	81	
f. Openings.....	15	15	15	.....	7	7	
g. Other or general.....	842	1,407	2,249	2,793	1,873	4,666	
2. Clear means of egress.....	1	353	354	10	575	585	
3-a. Fire alarms.....	30	487	517	.....	922	922	
3-b. Fire drills and records.....	10	729	739	52	1,122	1,174	
4. Waste and other inflammable materials.....	40	26	66	190	39	229	
5. Gas jets.....	48	1,089	1,137	50	1,284	1,334	
6. Smoking.....	19	19	38	206	36	242	
7. Sprinklers.....	4	165	169	123	238	361	
8. Number of occupants.....	1	30	31	1	50	51	
9. Fire escapes other than structural conditions.....	3	3	6	5	2	7	
10. Fire extinguishers.....	2	6	6	5	5	7	
V. CHILDREN.....	3	3	6	5	2	7	
2. From 14 to 16 years.....	3	3	6	5	2	7	
c. Prohibited occupations.....	3	3	6	5	2	7	
VI. WOMEN AND MALE MINORS.....	110	115	225	76	178	264	
1. Hours.....	2	96	98	6	160	156	
2. Prohibited occupations.....	29	5	34	.....	6	6	
3. Employment after childbirth.....	79	12	91	70	22	92	
4. Seats for women.....	24	54	78	30	49	79	
VII. DAY OF REST.....	3,332	566	3,898	3,460	949	4,399	
1. Payment of wages.....	3,307	512	3,819	3,420	899	4,319	
3. First aid appliances.....	1	.....	1	.....	1	1	
TOTAL.....	121,199	52,783	173,982	*135,351	*71,274	*206,625	

\* Includes 5,396 cases in the First Inspection District, and 5,989 cases in the Second Inspection District in which the illegal conditions ceased by reason of modifications of the law, Industrial Code, or accompanying circumstances such as to make the original orders no longer necessary.

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**Table 4—ORDERS ISSUED BY THE DIVISION OF INDUSTRIAL HYGIENE AND REPORTED COMPLIANCES THEREWITH FROM JULY 1, 1916, TO JUNE 30, 1917**

SUBJECT OF ORDERS	NUMBER OF ORDERS ISSUED IN —			NUMBER OF COMPLIANCES REPORTED IN —		
	First Inspec- tion District	Second Inspec- tion District	Total State	First Inspec- tion District	Second Inspec- tion District	Total State
I. ADMINISTRATION.....	87	18	49	83	6	29
1. Posting of laws, permits, notices, etc.....	37	12	49	28	6	29
II. SANITATION.....	113	65	178	91	12	35
1. Toilet facilities:						
a. Water closets.....	3	.....	3	.....	.....	.....
b. Wash rooms (including personal cleanliness).....	28	22	50	9	4	13
c. Dressing rooms.....	2	.....	2	.....	.....	.....
2. Cleanliness or repair of work-rooms, halls, etc.....	14	7	21	4	1	5
3. Ventilation, heat and humidity:						
a. General.....	3	.....	3	.....	.....	.....
b. Removal of dust, fumes, etc.....	55	35	90	6	7	13
4. Lighting.....	4	.....	4	2	.....	2
5. Meals.....	4	1	5	.....	1	.....
III. ACCIDENT PREVENTION.....	.....	2	2	.....	1	1
2. Machinery (including vats, pans, etc.).....	.....	2	2	.....	1	1
TOTAL.....	150	79	229	44	19	63

Table 5-A — PROSECUTIONS FOR VIOLATIONS

SUBJECT OF LAW INVOLVED	FIFTH INSPECTION DISTRICT				
	RESULTS TO JUNE 30, 1917				
	Number of cases	Pend-ing	Dis-mis-sed, ac-quitted or with-drawn*	Con-victed	Fines
<b>II. SANITATION</b>					
1. Toilet facilities:					
a. Water closets.....	7	1	3	1	2
b. Wash rooms (including personal cleanliness).....	2	.....	.....	2	.....
c. Dressing rooms.....	2	.....	.....	2	.....
2. Cleanliness or repair of workrooms, halls, etc.....	.....	.....	.....	.....	.....
3. Ventilation, heat and humidity:					
b. Removal of dust, fumes, etc.....	1	.....	.....	1	50
<b>III. ACCIDENT PREVENTION</b>					
1. Elevators and hoistways.....	27	.....	(1) 11	11	4
2. Machinery (including vats, pans, etc.).....	3	.....	(1) 2	.....	.....
4. Stairs, platforms, pits, floors, etc. (including repairs).....	1	.....	(1)	.....	.....
5. Lighting to prevent accidents.....	2	.....	1	1	.....
<b>IV. FIRE PROTECTION</b>					
1. Structural conditions:					
a. Number of exits.....	254	2	(7) 43	162	30
b. Doors, doorways and windows.....	13	.....	(2) 6	5	.....
c. Stairways.....	21	.....	(1) 1	10	8
f. Openings.....	.....	.....	.....	.....	.....
2. Clear means of egress:					
a. Locked doors.....	1	.....	1	.....	.....
b. Other.....	2	.....	2	.....	.....
3. Number of occupants.....	2	.....	.....	2	.....
<b>V. CHILDREN</b>					
1. Under 14 years.....	2	.....	.....	1	1
2. From 14 to 16 years:					
a. Certificates.....	2	.....	.....	2	.....
b. Hours.....	3	.....	.....	1	2
c. Prohibited occupations.....	.....	.....	.....	.....	40
<b>VI. WOMEN AND MALE MINORS</b>					
1. Hours.....	4	2	.....	.....	2
<b>VII. DAY OF REST</b>					
Day of Rest.....	.....	.....	.....	.....	.....
<b>VIII. MISCELLANEOUS</b>					
1. Payment of wages.....	.....	.....	.....	.....	.....
Total.....	349	5	(18) 70	205	56
					\$1,785

\* Withdrawn cases are given in parentheses.

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## OF THE LABOR LAW IN FACTORIES

SECOND INSPECTION DISTRICT					TOTAL STATE					Sub- ject num- ber	
Number of cases	RESULTS TO JUNE 30, 1917				RESULTS TO JUNE 30, 1917						
	Pend- ing	Dis- missed, ac- quitted or with- drawn*	Convicted	Fines	Num- ber of cases	Pend- ing	Dis- missed, ac- quitted or with- drawn*	Convicted	Fines		
<i>Prior to July 1, 1916</i>											
3	.....	(1) 1	1	.....	10	1	(1) 4	2	2	II 1 a b c	
.....	.....	.....	.....	.....	2	.....	2	2	45	2 3	
2	....	1	1	.....	2	.....	1	1	.....	3 b	
.....	.....	.....	.....	.....	1	.....	.....	1	50	.....	
5	....	3	2	.....	32	....	(1) 14 (1) 3 (1)	13	4	III 1 2 4 5	
1	....	1	1	.....	4	....	3	.....	.....	.....	
1	....	1	1	.....	2	....	1	1	.....	.....	
1	....	1	1	.....	3	1	1	1	.....	.....	
<i>July 1, 1916 to June 30, 1917</i>											
31	....	17 2	12 2	2 1	850	285	2 (2) (1)	60 8 17 1	175 7 1 1	IV 1 b c d e f g h a b c d e f g h i j k l m n o p q r s t u v w x y z	
5	....	2	2	1	25	18	.....	8	1	25	
3	....	1	1	2	50	24	.....	5	110	.....	
1	....	1	1	1	.....	1	.....	1	.....	.....	
2	....	2	1	1	.....	2	.....	2	.....	V 1 2 a b c	
.....	....	.....	.....	.....	2	....	.....	1	1	20	
.....	....	.....	.....	.....	2	....	.....	2	2	40	
2	....	1	1	1	.....	2	....	1	1	.....	
2	....	(1) 1	.....	.....	6	2	(1)	.....	2	VI 1	
3	....	(3) 3	.....	.....	3	....	(3) 3	.....	.....	VII	
1	....	.....	.....	1	100	1	.....	.....	1	VIII 1	
63	1	(5) 30	21	6	3235	412	6	(18) 130	226	62	\$2,010

Table 5-B—PROSECUTIONS FOR VIOLATIONS

SUBJECT OF LAW INVOLVED	FIRST INSPECTION DISTRICT					
	Number of cases	RESULTS TO JUNE 30, 1917				
		Pend- ing	Dis- missed, ac- quitted or with- drawn*	Sent- ence sus- pended	Convicted	Fines
<i>B. Proceedings Instituted in Current Year</i>						
I. ADMINISTRATION						
1. Posting of laws, permits, notices, etc.	6	.....	.....	2	4	\$80
4. Interfering with inspector	2	.....	1	.....	1	20
II. SANITATION						
1. Toilet facilities:						
a. Water closets	151	23	(14) 63	39	12	220
b. Wash rooms (including personal cleanliness)	66	11	(9) 24	16	6	210
c. Dressing rooms	61	4	(10) 24	17	6	150
2. Cleanliness or repair of workrooms, halls, etc.	35	6	(2) 19	5	3	60
3. Ventilation, heat and humidity:						
a. General	3	.....	1	2	.....	..
b. Removal of dust, fumes, etc.	26	5	(1) 10	7	3	60
4. Drinking water and drinking cups	1	.....	(1)	.....	.....	..
7. Sanitation of living quarters	1	.....	.....	.....	1	5
III. ACCIDENT PREVENTION						
1. Elevators and hoistways	60	.....	8	37	5	360
2. Machinery (including vats, pans, etc.)	21	3	(1) 6	8	3	90
3. Switchboards	1	.....	(1)	.....	.....	..
4. Stairs, platforms, pits, floors, etc. (including repairs)	3	.....	(1)	2	.....	..
5. Lighting to prevent accidents	7	.....	(1) 4	1	1	20
IV. FIRE PROTECTION						
1. Structural conditions:						
a. Number of exits	265	1	(11) 36	154	63	1,745
b. Doors, doorways and windows	10	.....	2	8	.....	..
c. Stairways	18	.....	(1) 3	8	6	160
2. Clear means of egress:						
a. Locked doors	136	.....	(1) 2	13	120	2,810
b. Other	21	.....	(6) 6	5	5	100
3-a. Fire alarms	.....	.....	.....	.....	.....	..
4. Waste and other inflammable materials	.....	.....	.....	.....	.....	..
6. Smoking	.....	.....	.....	.....	.....	..
8. Number of occupants	.....	.....	.....	.....	.....	..
9. Fire escapes other than structural conditions	.....	.....	.....	.....	.....	..
V. CHILDREN						
1. Under 14 years	60	4	3	24	29	735
2. From 14 to 16 years:						
a. Certificates	156	3	(3) 8	23	49	1,065
b. Hours	200	2	(1) 5	75	117	2,455
c. Prohibited occupations	9	.....	1	4	4	110
VI. WOMEN AND MALE MINORS						
1. Hours	583	3	(1) 10	183	386	8,475
2. Prohibited occupations	1	.....	.....	1	.....	..
VII. DAY OF REST						
Day of rest	170	12	(3) 6	44	114	2,560
VIII. MISCELLANEOUS						
1. Payment of wages	2	1	.....	1	.....	..
3. First aid appliances	139	2	(12) 12	13	.....	..
5. Tenements	60	.....	1	21	38	800
6. Explosives	.....	.....	.....	.....	.....	..
Total	2,173	80	(79) 255	783	976	\$22,380
Grand Total	2,522	85	(92) 325	988	1,032	\$24,165

\* Withdrawn cases are given in parentheses.

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OF THE LABOR LAW IN FACTORIES -- (Concluded)

SECOND INSPECTION DISTRICT							TOTAL STATE							Subject number
Number of cases	RESULTS TO JUNE 30, 1917						RESULTS TO JUNE 30, 1917							Subject number
	Pending	Dismissed, ac- quitted or with- drawn*	Convicted	Sent- ence sus- pended	Fined	Fines	Number of cases	Pending	Dismissed, ac- quitted or with- drawn*	Convicted	Sent- ence sus- pended	Fined	Fines	
<i>Year (July 1, 1916-June 30, 1917)</i>														
1	2	.....	.....	1	2	.....	7	4	.....	1	3	4	\$80	I 1
											2	1	20	4
30	7	(1) 8	13	1	.....	\$40	181	80	(18) 71	52	13	.....	360	II 1
16	5	7	4	.....	.....	.....	32	16	(9) 31	20	6	.....	210	a b c
7	3	3	1	.....	.....	.....	68	7	(10) 27	18	6	.....	150	2
8	.....	1	6	1	20	43	6	(2) 20	11	4	.....	80	3	
5	3	2	.....	.....	.....	.....	3	8	(1) 12	2	7	3	60	a b
.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1	.....	5	6
.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	7
7	5	2	.....	7	.....	.....	57	5	10	27	5	.....	360	III 1
11	1	3	.....	.....	.....	.....	32	4	(1) 9	15	3	.....	90	2
.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	3
.....	1	1	.....	.....	.....	.....	8	.....	(1) 5	1	1	.....	20	4
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
38	9	(1) 10	7	2	40	303	10	(12) 55	161	65	.....	1,735	IV 1	
1	1	.....	.....	.....	.....	.....	11	1	2	8	.....	.....	.....	a b c
3	.....	3	.....	.....	.....	.....	21	.....	(1) 3	11	6	.....	160	2
17	1	8	11	2	60	153	1	(1) 5	24	122	.....	2,870	a b	
5	2	2	1	.....	.....	.....	26	2	(5) 8	6	5	.....	100	3
5	3	.....	1	1	.....	.....	5	3	.....	1	1	.....	25	a
1	.....	1	1	1	50	1	.....	.....	.....	1	1	.....	50	4
44	1	(1) 1	37	4	70	44	1	(1) 1	37	4	.....	70	5	6
2	.....	2	.....	.....	.....	.....	2	.....	2	.....	.....	.....	.....	8
1	.....	1	.....	.....	.....	.....	1	.....	1	.....	.....	.....	.....	9
21	1	1	11	8	160	81	5	4	35	37	.....	895	V 1	
73	4	11	49	9	190	229	7	(3) 19	142	58	.....	1,245	2	
16	.....	2	11	3	60	216	2	(1) 7	86	120	.....	2,515	a b	
4	.....	3	1	20	60	13	.....	1	7	5	.....	130	c	
40	4	(1) 11	22	2	40	623	7	(2) 21	205	388	.....	8,515	VI 1	
.....	.....	.....	.....	.....	.....	1	.....	1	.....	.....	.....	.....	2	
9	1	6	2	.....	.....	188	13	(3) 12	46	114	.....	2,560	VII	
1	1	.....	.....	.....	.....	.....	3	2	1	.....	.....	.....	.....	VIII 1
.....	.....	.....	.....	.....	.....	.....	39	2	(12) 12	13	.....	.....	.....	3
.....	2	1	.....	1	25	2	.....	1	.....	21	38	.....	800	5
.....	.....	.....	.....	.....	.....	.....	60	.....	1	.....	1	.....	25	6
371	53	(4) 87	192	36	\$800	2,544	132	(83) 342	975	1,012	.....	\$23,180		
434	53	(9) 117	213	42	\$1,025	2,956	138	(101) 442	1,201	1,074	.....	\$25,190		

Table 6 — VIOLATIONS OF THE LABOR LAW IN FACTORIES REFERRED TO COUNSEL  
WITHOUT ISSUANCE OF ORDERS IN YEAR ENDED JUNE 30, 1917

SUBJECT OF VIOLATION	NUMBER OF VIOLATIONS		
	Referred	Prosecuted	Not prosecuted by order of Commission
(a) <i>First Inspection District</i>			
IV. FIRE PROTECTION:			
2-a. Locked doors.....	141	136	5
V. CHILDREN:			
1. Under 14 years.....	61	60	1
2. From 14 to 16 years:			
a. Certificates.....	208	156	52
b. Hours.....	200	200	9
c. Prohibited occupations.....	9	9	.....
VI. WOMEN AND MALE MINORS:			
1. Hours.....	649	583	66
2. Prohibited occupations.....	1	1	.....
Total.....	<u>1,278</u>	<u>1,145</u>	<u>183</u>
(b) <i>Second Inspection District</i>			
IV. FIRE PROTECTION:			
2-a. Locked doors.....	18	17	1
V. CHILDREN:			
1. Under 14 years.....	22	21	1
2. From 14 to 16 years:			
a. Certificates.....	97	73	24
b. Hours.....	25	16	9
c. Prohibited occupations.....	6	4	2
VI. WOMEN AND MALE MINORS:			
1. Hours.....	56	40	16
2. Prohibited occupations.....	.....	.....	.....
Total.....	<u>224</u>	<u>171</u>	<u>53</u>
(c) <i>Total State</i>			
IV. FIRE PROTECTION:			
2-a. Locked doors.....	159	153	6
V. CHILDREN:			
1. Under 14 years.....	83	81	2
2. From 14 to 16 years:			
a. Certificates.....	305	220	76
b. Hours.....	234	216	18
c. Prohibited occupations.....	15	13	2
VI. WOMEN AND MALE MINORS:			
1. Hours.....	705	628	82
2. Prohibited occupations.....	1	1	.....
Total.....	<u>1,502</u>	<u>1,316</u>	<u>186</u>

Table 7.—CASES FOR PROSECUTION REFERRED BY THE DIVISION OF FACTORY INSPECTION TO DISTRICT ATTORNEYS, AND  
DISPOSITION THEREOF, IN YEAR ENDED JUNE 3, 1917

Subject of Violation	County in which violation occurred	Number of Cases			Cases Closed			Cases Pending June 30, 1917
		Pending June 30, 1916	Referred in year ended June 30, 1917	Total	Dismissed or acquitted	Convicted	Suspended sentence	
		Number	Amount					
Day of rest.....	Delaware.....	1	4	4	1	1	1	3
	Erie.....	1	1	1	1	1	1	1
	Kings.....	1	1	1	1	1	1	1
	New York.....	1	1	1	2	2	2	2
	Orange.....	2	2	2	2	2	2	2
	St. Lawrence.....	1	1	1	1	1	1	1
	Saratoga.....	1	1	1	1	1	1	1
	Schoharie.....	1	1	1	1	1	1	1
	Cattaraugus.....	2	2	2	2	2	2	2
	Chemung.....	1	1	1	1	1	1	1
	Delaware.....	1	1	1	1	1	1	1
	Herkimer.....	1	1	1	1	1	1	1
	Monroe.....	1	1	1	1	1	1	1
	St. Lawrence.....	1	1	1	1	1	1	1
	Ulster.....	1	1	1	1	1	1	1
	Westchester.....	1	1	1	1	1	1	1
	Yates.....	1	1	1	1	1	1	1
Total.....		11	12	23	14	3	3	6

Table 8—CHILDREN FOUND ILLEGALLY EMPLOYED IN FACTORIES IN YEAR ENDED JUNE 30, 1917

Locality	Number of estab- lish- ments	Number of Children									
		Under 14 years of age		14-16, WORKING		Without certificates and illegal hours		Illegal hours		Total children	
		Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
New York City:											
Bronx.....	15	1	.....	3	5	.....	.....	3	4	16	16
Brooklyn.....	132	14	8	39	58	14	9	35	4	228	228
Manhattan.....	725	27	28	165	188	70	72	167	8	908	908
Queens.....	34	2	3	8	9	1	3	.....	1	41	41
Rhinebeck.....	6	.....	.....	6	1	.....	.....	.....	1	7	7
Total — New York City.....	962	44	34	211	242	85	84	212	212	1200	1200
Long Island, outside of New York City.....	17	.....	.....	6	9	1	1	.....	1	2	19
Total — First District.....	970	44	34	217	261	86	84	214	214	1219	1219
Albany.....	5	.....	.....	3	.....	2	1	.....	.....	5	5
Binghamton.....	7	.....	.....	4	17	9	21	11	20	7	7
Buffalo.....	64	5	1	9	8	1	1	1	4	92	92
Rochester.....	20	3	1	9	8	1	1	1	4	26	26
Syracuse.....	5	4	.....	.....	1	.....	2	1	6	6	6
Troy.....	1	.....	.....	.....	1	.....	1	1	1	10	10
Utica.....	8	1	.....	4	3	2	1	4	1	11	11
Yonkers.....	167	25	15	60	47	60	25	24	24	10	10
Remainder of State.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	269	269
Total — Second District.....	292	39	17	101	62	92	45	58	58	436	436
Total — State.....	1271	83	51	318	313	178	120	272	272	311	1666

Table 9 — CHILDREN FOR WHOM PROOF OF AGE WAS DEMANDED IN FACTORIES  
IN YEAR ENDED JUNE 30, 1917

	Age proven 16	Age proven 14-16, (certificate secured)	Age proven less than 14, (discharged)	Discharged without proof of age
<b>First Inspection District:</b>				
Boys.....	24	2	.....	23
Girls.....	52	8	.....	52
Total.....	76	10	.....	75
<b>Second Inspection District:</b>				
Boys.....	20	3	.....	23
Girls.....	11	2	.....	23
Total.....	31	5	.....	46
<b>Total State:</b>				
Boys.....	44	5	.....	46
Girls.....	63	10	.....	75
Total.....	107	15	.....	121

Table 10 — CHILDREN FOUND AT PROHIBITED EMPLOYMENT IN FACTORIES  
IN YEAR ENDED JUNE 30, 1917

LOCALITY	OCCUPATION	Number of establish-	NUMBER OF CHILDREN (14 TO 16 YEARS OF AGE)	
			Boys	Girls
New York, Brooklyn.....	Dangerous machinery..	1	1	.....
New York, Manhattan.....	Dangerous machinery..	8	8	.....
Total — First Inspection District.....		9	9	.....
Binghamton.....	Dangerous machinery..	1	1	.....
Buffalo.....	Dangerous machinery..	2	2	.....
Cheektowaga.....	Filling torpedoes ..	1	2	.....
Cohoes.....	Dangerous machinery..	1	1	.....
Rochester.....	Operating elevator....	1	1	.....
Total — Second Inspection District.....		6	7	.....
Total State.....		15	16	.....

Table 11.—CHILDREN 14 TO 16 YEARS OF AGE FOUND EMPLOYED IN FACTORIES  
IN NEW YORK STATE IN YEAR ENDED JUNE 30, 1917

CITY	Number of establish- ments	NUMBER OF CHILDREN		
		Boys	Girls	Total
Albany.....	27	25	60	85
Amsterdam.....	18	57	84	141
Auburn.....	13	40	33	73
Batavia.....	1	2	1	3
Beacon.....	4	7	16	23
Binghamton.....	22	26	43	69
Buffalo.....	315	512	460	972
Canandaigua.....	2	1	1	2
Cohoes.....	19	22	21	43
Corning.....	.....	.....	.....	.....
Cortland.....	4	5	8	13
Dunkirk.....	7	10	44	54
Elmira.....	5	6	4	10
Fulton.....	3	33	10	43
Geneva.....	3	2	1	3
Glen Falls.....	10	8	16	24
Gloversville.....	30	56	28	84
Hornell.....	5	5	5	10
Hudson.....	4	5	7	12
Ithaca.....	1	4	.....	4
Jamestown.....	24	60	26	86
Johnstown.....	20	26	11	37
Kingston.....	16	38	104	142
Lackawanna.....	1	3	.....	3
Little Falls.....	9	15	11	26
Lockport.....	11	10	18	28
Mechanicville.....	4	1	4	5
Middletown.....	4	.....	6	6
Mount Vernon.....	12	4	31	35
Newburgh.....	7	12	8	20
New Rochelle.....	1	.....	6	6
New York.....	3,735	3,238	6,066	9,304
Bronx.....	80	104	244	348
Brooklyn.....	831	857	1,787	2,684
Manhattan.....	5,810	1,995	5,851	5,446
Queens.....	187	243	390	642
Richmond.....	87	39	45	84
Niagara Falls.....	25	42	23	65
North Tonawanda.....	11	57	9	66
Norwich.....	5	5	6	11
Ogdensburg.....	2	.....	6	6
Olean.....	3	23	12	35
Oneida.....	6	3	4	7
Oneonta.....	2	1	5	6
Oswego.....	14	33	53	86
Plattsburg.....	1	.....	1	1
Port Jervis.....	3	3	2	5
Poughkeepsie.....	14	25	49	74
Rensselaer.....	.....	.....	.....	.....
Rochester.....	206	467	444	911
Rome.....	5	11	43	54
Salamanca.....	1	2	.....	3
Saratoga Springs.....	2	9	7	16
Schenectady.....	8	160	4	164
Sherrill.....	.....	.....	.....	.....
Syracuse.....	64	123	125	248
Tonawanda.....	6	15	8	23

Table 11 — (Continued)

CITY	Number of establish- ments	NUMBER OF CHILDREN		
		Boys	Girls	Total
Troy.....	27	36	38	74
Utica.....	54	113	193	306
Watertown.....	7	7	8	15
Watervliet.....	5	14	3	17
White Plains.....	3	1	2	3
Yonkers.....	10	10	16	26
Remainder of State.....	356	547	516	1,063
<b>Total.....</b>	<b>5,177</b>	<b>5,940</b>	<b>8,710</b>	<b>14,650</b>

Table 12 — ILLEGAL HOURS OR PROHIBITED EMPLOYMENT OF WOMEN OR MALE MINORS OR VIOLATIONS OF DAY OF REST LAW IN FACTORIES IN YEAR ENDED JUNE 30, 1917

SUBJECT	FIRST INSPECTION		SECOND INSPECTION		TOTAL STATE	
	DISTRICT		DISTRICT			
	Number of firms	Number of persons illegally employed	Number of firms	Number of persons illegally employed	Number of firms	Number of persons illegally employed
Illegal hours of —						
Women.....	809	3,396	*40	*382	849	3,778
Male minors.....	52	77	*18	*59	70	136
Prohibited employment of —						
Women.....	1	1	.....	.....	1	1
Male minors.....	1	1	.....	.....	1	1
Day of rest violations.....	281	1,524	*125	*932	406	2,456

\* Figures are for December, 1916, to June, 1917, inclusive; data for previous months was not available.

## NEW YORK STATE DEPARTMENT OF LABOR

Table 13—COMPLAINTS ALLEGING VIOLATION OF THE LABOR LAW IN FACTORIES, INVESTIGATED IN YEAR ENDED JUNE 30, 1917

SUBJECT OF COMPLAINT	NUMBER OF COMPLAINTS IN FIRST INSPECTION DISTRICT			NUMBER OF COMPLAINTS IN SECOND INSPECTION DISTRICT			NUMBER OF COMPLAINTS IN TOTAL STATE		
	Sus-tained	Not sus-tained	Total	Sus-tained	Not sus-tained	Total	Sus-tained	Not sus-tained	Total
I. ADMINISTRATION	40	25	65	8	1	9	1	1	3
I. 1. Posting of laws, permits, notices, etc.	40	1,158	447	150	35	165	40	41	86
II. SANITATION	684	504	1,188	447	150	597	1,541	504	663
I. Toilet facilities:									487
a. Water closets									184
b. Wash. rooms (including personal cleanliness)	294	176	470	176	30	8	33	224	184
c. Dressing rooms									37
2. Cleanliness or repair of workrooms, halls, etc.	69	31	100	33	17	50	4	86	117
3. Cleanliness or repair of workrooms, halls, etc.	81	50	131	18	6	24	3	87	137
4. Ventilation, heat and humidity:	120	124	244	107	22	7	29	7	142
a. General									131
b. Removal of dust, fumes, etc.	78	90	168	81	34	7	41	11	112
c. Lighting									97
d. Meals									200
e. Drinking water and drinking cups	29	20	49	22	2	2	4	2	31
f. 7. Sanitation of living quarters	147	60	207	61	30	4	34	6	167
III. ACCIDENT PREVENTION									221
1. Elevators and hoistways	8	9	17	14	4	18	1	12	9
2. Machinery (including vats, pans, etc.)	92	35	127	12	13	3	16	4	105
3. Switchboards									33
4. Stairs, platforms, pits, floors, etc. (including repairs)									143
5. Lighting to prevent accidents	6	4	10	3	2	1	3	1	8
6. Unsafe scaffolds	41	12	53	22	1	23	1	41	63
IV. FIRE PROTECTION									160
1. Structural conditions:									85
a. Number of exits	7	6	13	3	5	8	2	12	9
b. Doors, doorways and windows	14	6	20	14	3	17	3	17	21
c. Stairways	3	4	7	2	2	4	1	1	5
d. Fire escapes	3	5	8	2	2	4	1	1	2
e. Partitions									8
f. Openings									2
g. Other or general	7	7	14	7	2	9	2	7	16
h. Locked doors	1	35	36	23	1	3	4	2	38
i. Other	22	16	38	20	3	5	1	25	43

**EET** Includes 1 complaint against a factory which was not found to be in existence.

\* Contains 1 journal page & 100 separate communications.

<sup>†</sup> Contained in 945 separate communications.

Contained in 368 separate communications.

Contained in 110 separate communications.

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Table 14 — WORK OF HOMEWORK INSPECTORS

	1917†	1916†	1915	1914	1913
Investigations (including reinvestigations) of applications for license.....	3,703	2,167	2,789	3,823	2,322
Inspections of licensed buildings.....	15,306	14,707	14,512	12,199	11,238
Observations.....	4,234	1,901	2,250	2,395	3,141
Inspections of licensed rear factory shops.....	240	378	310	484	.....
Tagging cases (exclusive of "assisting") under section 102.....	323	275	122	284	239
Complaints investigated.....	249	371	206	275	11
Compliance visits.....	7,648	3,834	2,836	8,017	11
Miscellaneous matters.....	1,345	4,343	9,508	12,553	11

Table 15 — LICENSING OF TENEMENTS IN YEAR ENDED JUNE 30, 1917

	New York	Remainder of State	Total
	City		
Licenses outstanding July 1, 1916.....	14,309	447	14,846
Applications pending July 1, 1916.....	42	.....	42
Applications received.....	3,166	358	3,524
Total.....	3,208	358	3,566
Applications cancelled.....	380	1	381
Applications pending June 30, 1917.....	1	.....	1
Licenses granted:			
On first investigation.....	3,024	358	3,382
On reinvestigation.....	91	.....	91
Total.....	3,115	358	3,473
Licenses cancelled.....	1,550	67	1,617
Licenses revoked.....	818	1	819
Total.....	2,368	68	2,436
Licenses outstanding June 30, 1917.....	15,146	737	15,883

Table 16 — REGISTERS OF OUTSIDE WORKERS

YEAR ENDED JUNE 30*	Notifi- cations issued	Registers filed	Not found or out of business	Reported hands
1917.....	2,468	1,643	240	136
1916 (nine months).....	2,336	1,459	232	161
1915.....	1,852	1,847	313	345
1914.....	3,407	1,886	154	167
1913.....	1,318	636	47	118
1912.....	4,104	1,976	258	312
1911.....	1,658	718	74	93
1910.....	2,924	1,999	468	262
1909.....	2,947	2,202	258	342
1908.....	2,748	2,101	330	432
1907.....	5,740	1,832	327	576

Table 17 — PERMITS TO FACTORY OWNERS TO SEND WORK TO TENEMENTS

Permits outstanding July 1, 1916.....	2,329
Issued during year.....	439
Cancelled during year.....	172
Permits outstanding June 30, 1917.....	2,566

† Comparative figures not available.

† Nine months ended June 30, 1916.

‡ Twelve months ended June 30, 1917; up to 1915, year ended September 30.

\* Year ended on September 30 up to and including 1915.

Table 18—ORDERS ISSUED BY THE DIVISION OF HOMEWORK INSPECTION AND REPORTED COMPLIANCES THEREWITH FROM JULY 1, 1916, TO JUNE 30, 1917

Subject or Orders Number of Orders Issued in—	Number of Compliances Reported in—				
	First inspection district 5,368	Second inspection district 494	Total State 5,867	First Inspection district 5,353	Second inspection district 488
II. SANITATION.....					Total State 5,845
1. Toilet facilities:					
a. Water closets.....	908	75	983	902	76
b. Repair plumbing in living rooms.....	87	2	89	86	2
2. Cleanliness or repair of apartments, halls, etc.:					
a. Clean by scrubbing floors, etc., of apartments.....	363	90	453	360	90
b. Clean by scrubbing floors and stairs of halls.....	630	142	662	503	142
c. Repair walls of halls.....	18	1	19	18	1
d. Paint walls and ceilings of halls.....	213	1	214	206	.....
e. Wash walls of halls.....	430	8	438	430	8
f. Remove rubbish and dirt from halls, cellars, yards, etc.	824	175	999	824	174
VIII. MISCELLANEOUS.....					
1. Cease employing persons not members of family.....	88	1	89	87	1
2. Cease making articles of food, dolls, dolls' clothing or children's wearing apparel.....	45	.....	45	45	.....
3. Cease working in cellars.....	1	.....	1	1	.....
Total.....	3,497	495	3,992	3,466	493
					3,959

Table 19 -- CHILDREN FOUND ILLEGALLY EMPLOYED IN LICENSED TENEMENT LIVING ROOMS IN YEAR ENDED JUNE 30, 1917

LOCALITY	NUMBER OF CHILDREN —							
	NUMBER OF —		UNDER 14 YEARS OF AGE		14-16, WORKING WITHOUT CERTIFICATES		Total chil- dren	
	Ten- ments	Apart- ments	Boys	Girls	Boys	Girls		
<b>New York City:</b>								
Bronx.....	27	31	6	21	.....	14	41	
Brooklyn.....	90	98	23	77	4	23	127	
Manhattan.....	255	318	78	263	10	79	430	
Queens.....	.....	.....	.....	.....	.....	.....	.....	
Richmond.....	.....	.....	.....	.....	.....	.....	.....	
<b>Total — New York City.</b>	<b>372</b>	<b>447</b>	<b>107</b>	<b>361</b>	<b>14</b>	<b>116</b>	<b>598</b>	
<b>Long Island outside of New York City:</b>								
City.....	.....	.....	.....	.....	.....	.....	.....	
<b>Total — First District...</b>	<b>372</b>	<b>447,</b>	<b>107</b>	<b>361</b>	<b>14</b>	<b>116</b>	<b>598</b>	
Albany.....	.....	.....	.....	.....	.....	.....	.....	
Binghamton.....	.....	.....	.....	.....	.....	.....	.....	
Buffalo.....	.....	.....	.....	.....	.....	.....	.....	
Rochester.....	7	7	2	5	.....	1	8	
Schenectady.....	.....	.....	.....	.....	.....	.....	.....	
Syracuse.....	.....	.....	.....	.....	.....	.....	.....	
Troy.....	.....	.....	.....	.....	.....	.....	.....	
Utica.....	.....	.....	.....	.....	.....	.....	.....	
Yonkers.....	.....	.....	.....	.....	.....	.....	.....	
<b>Total — Second District.</b>	<b>7</b>	<b>7</b>	<b>2</b>	<b>5</b>	<b>.....</b>	<b>1</b>	<b>8</b>	
<b>Total — State.....</b>	<b>379</b>	<b>454</b>	<b>100</b>	<b>366</b>	<b>14</b>	<b>117</b>	<b>606</b>	

## REPORT OF THE INDUSTRIAL COMMISSION, 1917

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Table 20 — WORK OF MERCANTILE INSPECTORS, BY KINDS OF WORK

Regular inspections:	1914	1915	1916*	1917
Mercantile.....	22,778	23,367	22,781	↑
Office.....	1,149	380	965	↑
Hotel.....	39	17	21	↑
Bowling alleys.....	343	57	150	↑
Places of amusement.....	103	106	76	↑
Barber shops.....	63	55	28	↑
Shoe polishing stands.....	46	24	45	↑
Total.....	<u>24,521</u>	<u>24,006</u>	<u>24,066</u>	<u>26,060</u>
Special inspections:				
Mercantile.....	4,957	4,880	2,800	↑
Office.....	83	105	37	↑
Hotel.....	2	17	2	↑
Bowling alleys.....	39	1	7	↑
Places of amusement.....	12	5	8	↑
Barber shops.....	.....	4	2	↑
Shoe polishing stands.....	10	6	5	↑
Total.....	<u>5,103</u>	<u>5,018</u>	<u>2,861</u>	<u>7,074</u>
Investigations:				
Complaints.....	913	1,167	1,193	1,426
Compliances.....	21,472	20,672	16,717	35,270
Total.....	<u>22,385</u>	<u>21,839</u>	<u>17,910</u>	<u>36,696</u>

Table 21 — WORK OF MERCANTILE INSPECTORS, BY LOCALITIES

	INVESTIGATIONS OF							
	Regular		Special		Complaints		Compliances	
	inspections	inspections	1916*	1917	1916*	1917	1916*	1917
New York City.....	13,523	14,566	2,436	5,263	1,032	1,327	11,406	23,336
Buffalo.....	2,743	2,729	134	216	84	28	850	2,397
Rochester.....	1,231	1,216	23	160	10	18	744	1,675
Total — First class cities.....	<u>17,497</u>	<u>18,511</u>	<u>2,593</u>	<u>5,639</u>	<u>1,126</u>	<u>1,373</u>	<u>13,000</u>	<u>27,408</u>
Albany.....	754	350	43	79	13	16	575	583
Binghamton.....	454	379	12	43	.....	1	400	609
Schenectady.....	440	641	35	114	2	7	251	586
Syracuse.....	2,134	2,460	62	173	33	15	347	1,243
Troy.....	404	408	48	111	8	6	442	524
Utica.....	1,065	1,182	14	138	.....	.....	985	2,036
Yonkers.....	465	449	54	79	3	3	717	629
Other places†.....	763	1,680	.....	698	8	5	.....	1,652
Grand Total.....	<u>24,066</u>	<u>26,060</u>	<u>2,861</u>	<u>7,074</u>	<u>1,193</u>	<u>1,426</u>	<u>16,717</u>	<u>35,270</u>

\* Nine months ended June 30, 1916.

† Comparative data, by kind of work, not available.

‡ Enforcement of "one day of rest in seven" law.

Table 22—ORDERS ISSUED BY THE DIVISION OF MERCANTILE INSPECTION AND REPORTED COMPLIANCES THEREWITH FROM JULY 1, 1916 TO JUNE 30, 1917

SUBJECT OF ORDERS	NUMBER OF ORDERS ISSUED IN —			NUMBER OF COMPLIANCES REPORTED —				
	First Inspection District(a)	Second Inspection District(b)	Total State	ON ORDERS ISSUED FROM JULY 1, 1916 TO JUNE 30, 1917		Total State		
			On orders issued previous * to July 1, 1916	First Inspection District(a)	Second Inspection District(b)	Total State		
I. ADMINISTRATION.....								
1. Posting of laws, permits, notices, etc.....	18,665	11,726	30,291	1,217	18,308	11,182	29,424	30,641
2. Keeping of records, registers, etc.....	18,558	11,726	30,284	1,214	18,295	11,122	29,417	30,631
4. Interfering with inspector.....	7	7	7	3	7	7	7	10
II. SANITATION.....								
1. Toilet facilities:								
a. Water closets.....	14,977	6,107	21,144	4,064	12,062	8,471	15,533	19,597
b. Wash rooms.....	11,975	4,519	16,494	2,932	9,733	2,512	12,245	15,177
c. Dressing rooms.....	1,380	1,018	2,398	738	1,110	521	1,631	2,369
2. Cleanliness or repair of sales rooms, etc.....	559	92	651	106	279	42	321	427
3. Ventilation, heat and humidity.....	829	434	1,263	231	726	332	1,058	1,289
4. Lighting.....	7	4	11	6	4	2	6	12
5. Meals.....	15	58	73	26	8	39	47	73
6. Drinking water and drinking cups.....	97	29	126	13	97	18	115	128
7. Marking mattresses.....	99	13	112	11	93	5	98	109
III. ACCIDENT PREVENTION.....								
1. Machinery:								
2. Switchboards.....	254	639	843	225	164	448	602	897
3. Stairs.....	1	2	3	1	1	2	2	3
	253	584	837	221	154	443	597	818

V. CHILDREN.....	1,26	38	164	8	117	30	147	155
1. From 14 to 16 years:								
a. Hours.....	122	32	154	8	117	30	147	155
b. Employment in basements.....								
VI. WOMEN.....	476	126	697	73	466	86	541	614
1. Employment after childbirth.....								
2. Seats for women.....	40	24	64	4	21	24	45	49
3. Hours.....	435	98	533	69	435	61	496	565
4. DAY OF REST.....	6,095	14,480	10,676	24	6,191	13,180	8,371	8,395
VII. MISCELLANEOUS.....	1	.....	1	.....	1	.....	1	1
1. Payment of wages without deduction for benefit funds.....	1	.....	1	.....	1	.....	1	1
Total.....	40,489	23,116	63,605	5,611	36,283	18,336	54,619	60,230

\* Not compiled by inspection districts.

† Includes 1,731 orders in localities outside of first and second-class cities.

‡ Includes 1,365 compliances in localities outside of first and second-class cities.

(a) Comprises New York City only.

(b) Comprises first and second-class cities other than New York City.

Table 23-A — PROSECUTIONS FOR VIOLATIONS OF THE

SUBJECT OF LAW INVOLVED	FIRST INSPECTION DISTRICT					
	RESULTS TO JUNE 30, 1916					
	Number of cases	Pend- ing	Dis- missed, so- quitted or with- drawn*	Con- victed	Fines	
<i>A. Proceedings Instituted</i>						
II. SANITATION						
1. Toilet facilities:						
a. Water closets.....	.....	.....	.....	.....	.....	
V. CHILDREN						
1. Under 14 years.....	10	.....	.....	4	6	\$150
2. From 14 to 16 years:						
a. Certificates.....	6	....	(1)	.....	5	100
b. Hours.....	1	....	.....	1	.....	.....
VI. WOMEN AND MALE MINORS						
1. Hours.....	12	....	1	3	8	245
Total.....	29	....	(1) 1	8	19	\$495

\* Withdrawn cases are given in parentheses.

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**LABOR LAW IN MERCANTILE ESTABLISHMENTS**

SECOND INSPECTION DISTRICT					TOTAL STATE					Sub- ject num- ber	
RESULTS TO JUNE 30, 1917					RESULTS TO JUNE 30, 1917						
Num- ber of cases	Pend- ing	Dis- missed, ac- quitted or with- drawn	Convicted	Fines	Num- ber of cases	Pend- ing	Dis- missed, ac- quitted or with- drawn	Convicted	Fines		
<i>Prior to July 1, 1916</i>											
1	....	1	.....	.....	1	....	1	.....	.....	II 1 a	
.....	.....	.....	.....	.....	10	....	.....	4	6	V 1 2	
5	....	2	3	.....	11	....	(1) 2	3	5	100	
1	....	1	.....	.....	2	....	1	1	.....	b	
2	....	.....	2	.....	14	....	1	5	8	VI 1	
9	....	4	5	.....	38	....	(1) 5	13	19	\$495	

Table 23-B — PROSECUTIONS FOR VIOLATIONS OF THE LAB

SUBJECT OF LAW INVOLVED	FIRST INSPECTION DISTRICT							
	RESULTS TO JUNE 30, 1917							
	Number of cases	Pending	Dismissed, ac- quitted or with- drawn*	Convicted				
				Sentence suspended	Fined			
<i>B. Proceedings Instituted in Current Year</i>								
<b>I. ADMINISTRATION</b>								
1. Posting of laws, permits, notices, etc.	8	....	1	3	4			
4. Interfering with inspector.	2	....	1	....	1			
<b>II. SANITATION</b>								
1. Toilet facilities:								
a. Water closets.	1	....	....	1	....			
<b>V. CHILDREN</b>								
1. Under 14 years.	263	5	(3) 7	247	101			
2. From 14 to 16 years:								
a. Certificates.	276	4	6	199	67			
b. Hours.	70	1	....	54	15			
<b>VI. WOMEN AND MALE MINORS</b>								
1. Hours.	207	2	(1) 8	89	107			
<b>VII. DAY OF REST</b>								
Day of rest.	253	10	(2) 17	136	188			
Total.	1,280	22	(6) 40	729	493			
Grand Total.	1,309	23	(7) 41	737	502			

\* Withdrawn cases are given in parentheses.

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OR LAW IN MERCANTILE ESTABLISHMENTS — (*Concluded*)

SECOND INSPECTION DISTRICT						TOTAL STATE						Sub- ject number	
Number of cases	Pending	RESULTS TO JUNE 30, 1917				Number of cases	Pending	RESULTS TO JUNE 30, 1917					
		Dis- missed, ac- quitted or with- drawn*	Convicted	Sen- tence sus- pended	Fined			Dis- missed, ac- quitted or with- drawn*	Convicted	Sen- tence sus- pended	Fined		
<i>Year (July 1, 1916-June 30, 1917)</i>													
.....	.....	.....	.....	.....	.....	8	.....	1	3	4	\$80	I 1 4	
.....	.....	.....	.....	.....	.....	2	.....	1	.....	1	20		
2	....	.....	2	....	.....	3	....	.....	3	....	.....	II 1 a	
56	1	3	44	8	\$165	419	6	(3) 10	291	109	2,345	V 1 2	
85	2	(2) 4	69	8	130	361	6	(2) 10	268	75	1,690	a b	
17	....	1	14	2	40	87	1	1	68	17	335		
39	....	(1) 8	20	10	200	246	2	(2) 16	109	117	2,570	VI 1	
41	1	(1) 6	26	7	140	394	11	(3) 23	162	195	4,265	VII	
240	4	(4) 22	175	35	\$675	1,520	26	(10) 62	904	518	\$11,355		
249	4	(4) 26	180	35	\$675	1,558	26	(11) 67	917	537	\$11,850		

Table 24 — VIOLATIONS OF THE LABOR LAW IN MERCANTILE ESTABLISHMENTS REFERRED TO COUNSEL WITHOUT ISSUANCE OF ORDERS IN YEAR ENDED JUNE 30, 1917

SUBJECT OF VIOLATION	NUMBER OF VIOLATIONS		
	Referred	Prosecuted	Not prosecuted by order of Commission
<i>(a) First Inspection District</i>			
<b>V. CHILDREN</b>			
1. Under 14 years.....	367	363	4
2. From 14 to 16 years:			
a. Certificates.....	303	276	27
b. Hours.....	74	70	4
<b>VI. WOMEN AND MALE MINORS:</b>			
1. Hours.....	83	70	13
Total.....	827	779	48
<i>(b) Second Inspection District</i>			
<b>V. CHILDREN:</b>			
1. Under 14 years.....	57	56	1
2. From 14 to 16 years:			
a. Certificates.....	114	85	20
b. Hours.....	22	17	5
<b>VI. WOMEN AND MALE MINORS:</b>			
1. Hours.....	48	39	9
Total.....	241	197	44
<i>(c) Total State</i>			
<b>V. CHILDREN:</b>			
1. Under 14 years.....	424	419	5
2. From 14 to 16 years:			
a. Certificates.....	417	361	56
b. Hours.....	96	87	9
<b>VI. WOMEN AND MALE MINORS:</b>			
1. Hours.....	131	109	22
Total.....	1068	976	92

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Table 25—CASES FOR PROSECUTION REFERRED BY THE DIVISION OF MERCANTILE INSPECTION TO DISTRICT ATTORNEYS, AND DISPOSITION THEREOF, IN YEAR ENDED JUNE 30, 1917

SUBJECT OF VIOLATION	County in which violation occurred	Number or Class	Cases Closed			Cases Pending June 30, 1917	
			DISPOSITION OF CONVICTED CASES				
			Dismissed or acquitted	Convicted	Suspended sentence		
Day of rest.....			1	1	1	1	
	Albany.....	1	1	4	4		
	Bronx.....	2	2	2	2		
	Cayuga.....	1	4	1	3		
	Chautauqua.....	4	4	2	1		
	Clinton.....	2	2	1	1		
	Erie.....	1	1	1	1		
	Fulton.....	1	1	1	1		
	Genesee.....	8	8	7	1		
	Herkimer.....	2	2	2	2		
	Jefferson.....	2	2	2	2		
	Kings.....	2	11	1	10		
	New York.....	16	4	20	1		
	Niagara.....	3	3	1	18		
	Onondaga.....	2	2	1	2		
	Ontario.....	1	1	1	1		
	Orange.....	2	2	1	1		
	Orleans.....	2	2	1	1		
	Oswego.....	3	3	1	3		
	Saratoga.....	3	3	1	2		
	Schenectady.....	1	1	1	1		
	Schuyler.....	1	1	1	1		
	Steuben.....	3	3	2	3		
	Tioga.....	2	2	1	2		
	Tompkins.....	1	1	2	1		
	Ulster.....	2	2	2	1		
	Warren.....	2	2	2	2		
	Washington.....	2	2	2	2		
	Westchester.....	3	3	3	3		
Total.....		31	60	91	28	57	
						25	
						25	
						6	
						\$535	

Table 26—CHILDREN FOUND ILLEGALLY EMPLOYED IN MERCANTILE ESTABLISHMENTS IN YEAR ENDED JUNE 30, 1917

Locality	Number of estab- lish- ments	Number of Children					
		UNDER 14 YEARS OF AGE		14-16, WORKING		14-16, WITHOUT CERTIFICATES AND ILLEGAL HOURS	
		Boys	Girls	Boys	Girls	Boys	Girls
New York City:							
Bronx.....	113	50	2	37	3	16	7
Brooklyn.....	691	303	7	328	46	48	8
Manhattan.....	1,272	647	13	573	61	77	2
Queens.....	72	41	3	28	5	1	1
Richmond.....	12	2	.....	.....	8	1	1
Total — First District.....	2,160	943	25	966	106	159	10
Albany.....	71	24	2	43	3	7	2
Binghamton.....	13	6	.....	10	.....	.....	4
Buffalo.....	168	46	9	91	26	19	2
Rochester.....	63	18	3	23	3	10	1
Schenectady.....	44	16	2	18	4	7	1
Syracuse.....	94	14	1	60	10	6	1
Troy.....	54	23	3	27	8	5	2
Utica.....	15	9	2	4	.....	.....	1
Yonkers.....	40	9	.....	30	.....	.....	1
Total — Second District.....	552	165	22	306	53	64	11
Total — State.....	2,712	1,108	47	1,272	189	213	21

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Table 27—CHILDREN FOR WHOM PROOF OF AGE WAS DEMANDED IN MERCANTILE ESTABLISHMENTS IN YEAR ENDED JUNE 30, 1917

	Age proven 16	Age proven 14-16, (certificate secured)	Age less than 14, (dis- charged)	Dis- charged
				without proof of age
<b>First Inspection District:</b>				
Boys.....	9	11	.....	37
Girls.....	8	4	.....	6
Total.....	17	15	.....	43
<b>Second Inspection District:</b>				
Boys.....	4	3	.....	36
Girls.....	2	2	.....	10
Total.....	6	5	.....	46
<b>Total State:</b>				
Boys.....	13	14	.....	73
Girls.....	10	6	.....	16
Total.....	23	20	.....	89

Table 28 — CHILDREN 14 TO 16 YEARS OF AGE FOUND EMPLOYED IN MERCANTILE ESTABLISHMENTS

	Number of establis- ments	NUMBER OF CHILDREN FOUND EMPLOYED		
		Boys	Girls	Total
New York City.....	1,868	2,346	1,380	3,706
Bronx.....	108	99	31	130
Brooklyn.....	541	560	223	788
Manhattan.....	1,150	1,618	1,086	2,704
Queens.....	68	61	7	68
Richmond.....	13	8	8	16
Buffalo.....	185	436	125	561
Rochester.....	94	169	172	341
Total — First class cities: 1917.....	2,147	2,951	1,657	4,608
1916*.....	1,737	2,642	1,311	3,953
1915.....	†	1,412	974	2,386
1914.....	†	2,073	2,341	4,414
1913.....	†	2,062	1,972	4,034
1912.....	†	1,320	1,503	2,823
Albany.....	57	74	22	96
Binghamton.....	15	20	3	23
Schenectady.....	27	43	5	48
Syracuse.....	154	202	68	270
Troy.....	41	40	15	55
Utica.....	37	46	21	67
Yonkers.....	36	37	.....	37
Total — All cities: 1917.....	2,514	3,413	1,791	5,204
1916*.....	2,089	3,100	1,434	4,534
1915.....	†	1,563	1,006	2,569
1914.....	†	2,347	2,540	4,887

\* Nine months ended June 30, 1916.

† Comparative data not available.

Table 29 — ILLEGAL HOURS OF WOMEN OR MALE MINORS OR VIOLATIONS OF DAY OF REST LAW IN MERCANTILE ESTABLISHMENTS IN YEAR ENDED JUNE 30, 1917

SUBJECT	FIRST INSPECTION DISTRICT		SECOND INSPECTION DISTRICT		TOTAL STATE	
	Number of firms	Number of persons illegally employed	Number of firms	Number of persons illegally employed	Number of firms	Number of persons illegally employed
Illegal hours of —						
Women.....	*	*	*	*	535	865
Male minors.....	*	*	*	*	14	14
Day of rest violations.....	*	*	*	*	1,371	1,604

\* Data not available by districts.

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**Table 30—COMPLAINTS, ALLEGING VIOLATION OF THE LABOR LAW IN MERCANTILE ESTABLISHMENTS, INVESTIGATED**

SUBJECT OF COMPLAINT	NUMBER OF COMPLAINTS			
	Sustained	Not sustained	Total	Thereof anonymous
<b>ADMINISTRATION</b>				
Posting of laws, permits, notices, etc.....	4	1	5	1
<b>SANITATION</b>				
Toilet facilities:				
Water closets.....	93	52	145	43
Wash rooms.....	6	4	10	3
Dressing rooms.....	2	4	6	5
Cleanliness or repair of salerooms.....	10	6	16	3
Lighting.....		1	1	.....
Meals.....	5	8	13	11
Drinking water and drinking cups.....	1	.....	1	.....
<b>ACCIDENT PREVENTION</b>				
Stairs.....	1	.....	1	1
<b>CHILDREN</b>				
Under 14 years of age.....	95	161	256	139
From 14 to 16 years of age:				
Without certificates.....	36	91	127	62
Hours.....	61	110	171	64
Employment in basements.....		2	2	2
Employed in carrying and distributing newspapers.....	1	.....	1	.....
<b>WOMEN AND MALE MINORS</b>				
Hours.....	102	252	354	279
Seats for women.....	2	7	9	3
<b>DAY OF REST</b>				
Day of rest.....	96	203	299	316
<b>MISCELLANEOUS</b>				
Payment of wages.....		2	2	.....
Not specified.....	2	5	7	5
Total	1917.....	517	909	1,426
	1916†.....	808	685	1,193
	1915.....	534	633	1,167
	1914.....	447	466	913
	1913.....	145	108	253
	1912.....	95	140	235
	1911.....	122	100	222

† Nine months ended June 30, 1916.

Table 31—CASES OF OCCUPATIONAL DISEASE REPORTED TO DEPARTMENT OF LABOR UNDER SECTION 65 OF LABOR LAW IN SIX YEARS  
 (Figures in parentheses are cases in which disease report or death certificate showed the occupational disease to have been the immediate or a contributory cause  
 of death)

INDUSTRY	Total for six years	CASES IN YEARS ENDED AUGUST 31 —					
		1917	1918	1919	1914	1913	1912
Painting.....	318 (59)	59 (6)	35 (6)	42 (9)	43 (15)	66 (16)	73 (6)
House, structural or ship.....	246 43	56 (5)	23 (7)	34 (9)	31 (11)	45 (12)	52 (4)
Factory or shop.....	72 (11)	3 (1)	7 (1)	8 .....	12 (4)	21 (4)	21 (1)
Automobiles.....	23 (1)	1 .....	6 .....	2 .....	.....	5 (1)	9 .....
Carriages and wagons.....	22 (6)	.....	1 .....	1 .....	8 (6)	7 (2)	5 .....
Signs, illustrations, theatrical scenery.....	8 (1)	1 (1)	.....	2 .....	.....	3 .....	2 .....
Agricultural implements.....	5 .....	.....	.....	2 .....	1 .....	1 .....	3 .....
Cars.....	3 (1)	.....	.....	2 .....	.....	1 .....	1 (1)
Sheet metal work.....	3 .....	2 (1)	1 .....	.....	1 .....	3 .....	.....
Engines.....	2 .....	.....	.....	1 .....	1 (1)	.....	.....
Aeronaves.....	1 .....	.....	.....	.....	1 .....	1 .....	.....
Barbers' supplies.....	1 .....	.....	.....	1 .....	1 .....	1 .....	.....
Bicycles.....	1 .....	.....	.....	1 .....	1 .....	1 .....	.....
Electrical goods.....	1 .....	.....	.....	1 .....	1 .....	1 .....	.....
Pianos.....	1 .....	.....	.....	1 .....	1 .....	1 .....	.....
Window shades.....	1 (1)	.....	.....	.....	1 .....	1 (1)	1 .....
Manufacturing.....	261 (20)	71 (4)	36 (4)	49 .....	25 (6)	43 (5)	37 (1)
Storage batteries.....	122 (3)	47 (2)	13 .....	21 .....	12 (2)	14 (1)	15 .....
White lead, paints and colors.....	55 (4)	10 (3)	7 .....	16 .....	4 (2)	9 (3)	9 .....
Printing.....	16 (4)	3 .....	5 (1)	.....	4 (2)	3 (1)	1 .....
Smelting or casting lead, solder, etc.....	15 (3)	5 (1)	2 (1)	3 .....	1 .....	2 .....	2 (1)
Wire goods.....	7 .....	1 .....	2 .....	2 .....	1 .....	4 .....	2 .....
Brass and copper goods.....	5 .....	1 .....	1 .....	2 .....	1 .....	1 .....	1 .....
Rubber goods.....	5 .....	1 .....	1 .....	2 .....	1 .....	1 .....	1 .....
Tin cans.....	4 (1)	1 .....	1 (1)	1 .....	1 .....	1 .....	1 .....
Smelting copper.....	4 .....	1 .....	1 .....	3 .....	1 .....	1 .....	1 .....
Cut glass.....	3 (1)	.....	.....	.....	1 .....	1 .....	1 .....
Linoleum.....	3 .....	.....	.....	.....	1 .....	1 .....	1 .....

Sheet metal work.....	8	(2)	1	(1)	1	1	2	2	1
Brewery.....	2	(1)	1	(1)	1	1	1	1	1
White metal goods.....	1	(1)	1	(1)	1	1	1	1	1
Anemone of lead.....	1	(1)	1	(1)	1	1	1	1	(1)
Artificial flowers.....	1	(1)	1	(1)	1	1	1	1	1
Bridges.....	1	(1)	1	(1)	1	1	1	1	1
Canned goods.....	1	(1)	1	(1)	1	1	1	1	1
Casket trimmings.....	1	(1)	1	(1)	1	1	1	1	1
Chambers.....	1	(1)	1	(1)	1	1	1	1	1
Cigars.....	1	(1)	1	(1)	1	1	1	1	1
Cream separators.....	1	(1)	1	(1)	1	1	1	1	1
Electrical goods.....	1	(1)	1	(1)	1	1	1	1	1
Projectiles.....	1	(1)	1	(1)	1	1	1	1	1
Purges.....	1	(1)	1	(1)	1	1	1	1	1
Telephones.....	1	(1)	1	(1)	1	1	1	1	1
Type.....	1	(1)	1	(1)	1	1	1	1	1
Typewriters.....	1	(1)	1	(1)	1	1	1	1	1
Burgical instruments.....	1	(1)	1	(1)	1	1	1	1	1
Plumbing.....	8	(2)	1	1	1	1	2	2	3
Electric power station.....	6	(2)	1	1	1	1	2	2	3
Electric cable repairs.....	1	(1)	1	(1)	1	1	1	1	1
Tree spraying.....	1	(1)	1	(1)	1	1	1	1	1
Miscellaneous or indefinite.....	22	(10)	2	(2)	1	6	(2)	4	6
Total — Lead Poisoning.....	617	(91)	133	(12)	73	(12)	98	(11)	74
Total — Lead Poisoning.....	617	(91)	133	(12)	73	(12)	98	(11)	74
Caisson work (tunnels, shafts, etc.).....	220	(3)	101	(1)	67	(1)	24	24	29
Tanneries.....	21	(5)	7	....	9	(2)	3	3	1
Docks and warehouses (handling skins).....	7	(2)	3	....	3	(1)	1	1	1
Farm work.....	6	(3)	2	....	2	(1)	1	1	1
Brush making.....	2	(2)	2	....	2	(1)	1	1	1
Boot and shoe manufacture.....	1	(1)	1	....	1	1	1	1	1
Driver.....	1	(1)	1	....	1	1	1	1	1
Dry goods store.....	1	(1)	1	....	1	1	1	1	1
Junk handl.....	1	(1)	1	....	1	1	1	1	1
Rugs, woolen (manufacture).....	1	(1)	1	....	1	1	1	1	1
Veterinary practise.....	1	(1)	1	....	1	1	1	1	1
Total — Anthrax.....	42	(13)	16	(5)	16	(3)	4	(3)	2
Total — Anthrax.....	42	(13)	16	(5)	16	(3)	4	(3)	2

Table 31—CASES OF OCCUPATIONAL DISEASE REPORTED TO DEPARTMENT OF LABOR UNDER SECTION 65 OF LABOR LAW IN  
SIX YEARS—(Concluded)

(Figures in parentheses are cases in which disease report or death certificate showed the occupational disease to have been the immediate or a contributory cause of death)

Industry	Total for six years	Cases in Years Ended August 31 —				
		1917	1916	1915	1914	1913
<i>Brass Poisoning</i>						
Brass goods (manufacture).....	4	(1)	1	1	1	1
Automobiles (manufacture).....	3	(1)	1	1	1	1
Printing.....	2	(1)	1	1	1	1
Optical instruments (manufacture).....	1	.....	.....	.....	1	1
Photographic apparatus (manufacture).....	1	.....	.....	.....	1	1
Railway repair shop.....	1	.....	.....	1	1	1
Sales (manufacture).....	1	.....	.....	1	1	1
Thermometers (manufacture).....	1	.....	.....	1	1	1
Miscellaneous,.....	2	.....	.....	2	2	1
Total — Brass Poisoning.....	16	(2)	2	(2)	1	2
<i>Arsenic Poisoning</i>						
Paris green (manufacture).....	9	.....	7	1	1	2
Arsenate of lead (manufacture).....	1	.....	1	1	1	1
Drugs (manufacture).....	1	.....	.....	.....	1	1
Paints manufacture.....	1	.....	.....	.....	1	1
Tannery.....	1	.....	.....	.....	1	1
Total — Arsenic Poisoning.....	13	.....	8	.....	1	4
<i>Mercury Poisoning</i>						
Chemicals (manufacture).....	2	(1)	1	1	1	(1)
Thermometers (manufacture).....	3	.....	1	1	1	1
Furs (handling).....	1	.....	1	1	1	1
Glass blowing.....	1	.....	.....	1	1	1
Hatters fur (manufacture).....	1	(1)	1	1	1	1
Rubber goods (manufacture).....	1	.....	1	1	1	1
Total — Mercury Poisoning.....	8	(2)	2	1	1	1

	<i>Wood Alcohol Poisoning</i>			<i>Phosphorus Poisoning</i>					
	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Painting.....	2	1	1	1	1	1	1	1	1
Matches (manufacture).....	1	(1)	1	159	(17)	120	(14)	104	(27)
Grand Total.....	928	(113)	262	(20)				121	(24)
									162 (11)

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Table 32—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR ENDED JUNE 30, 1917

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO —		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO —	
	Boys	Girls		Boys	Girls
ALBANY COUNTY.....	367	848	CHAUTAUQUA COUNTY— (concluded)		
Albany.....	244	165	Frewsburg.....	2	.....
Altamont.....	3	2	Jamestown.....	133	67
Coeymans.....	4	.....	Ripley.....	2	.....
Cohoes.....	61	49	Silver Creek.....	1	2
Green Island.....	13	4	Sinclairville.....	2	.....
Watervliet.....	39	23	Remainder.....	7	5
Remainder.....	3	5			
ALLEGANY COUNTY.....	7	6	CHEMUNG COUNTY.....	95	49
Belmont.....	1	2	Big Flats.....	3	1
Canaseraga.....	1	.....	Elmira.....	83	43
Wellsville.....	3	4	Elmira Heights.....	4	5
Remainder.....	2	.....	Horseheads.....	2	.....
BIG FLATS (See under New York City). . . . .			Remainder.....	1	.....
BROOME COUNTY.....	183	81	CHENANGO COUNTY.....	15	4
Binghamton.....	147	66	Bainbridge.....	2	2
Deposit.....	.....	4	New Berlin.....	1	1
Endicott.....	8	3	Norwich.....	1	.....
Johnson City.....	12	2	Oxford.....	4	.....
Port Dickinson.....	6	1	Sherburne.....	7	1
Union.....	8	4	Remainder.....	1	.....
Whitney Point.....	2	.....			
Windsor.....	.....	1	CLINTON COUNTY.....	10	8
CATTARAUGUS COUNTY.....	82	55	Keeseeville.....	2	2
Allegany.....	3	2	Mooers.....	.....	1
Cattaraugus.....	1	2	Plattsburg.....	6	3
Ellicottville.....	1	.....	Remainder.....	2	2
Franklinville.....	11	7			
Gowanda.....	7	7	COLUMBIA COUNTY.....	63	39
Olean.....	42	31	Chatham.....	1	.....
Portville.....	2	4	Columbiaville.....	.....	1
Randolph.....	3	.....	Hillsdale.....	1	1
Salamanca.....	5	.....	Hudson.....	29	20
South Dayton.....	1	1	Kinderhook.....	3	1
Remainder.....	6	1	Mellenville.....	1	.....
			Philmont.....	9	3
CAYUGA COUNTY.....	184	81	Stockport.....	2	.....
Auburn.....	115	72	Stottville.....	4	.....
Locke.....	.....	1	Valatie.....	8	9
Moravia.....	1	2	Remainder.....	5	4
Weedsport.....	6	3			
Remainder.....	2	3	CORTLAND COUNTY.....	25	13
CHAUTAUQUA COUNTY.....	816	146	Cortland.....	12	4
Brocton.....	.....	1	Homer.....	6	5
Dunkirk.....	54	57	McGraw.....	5	4
Ellington.....	1	.....	Remainder.....	2	.....
Falconer.....	8	3			
Forestville.....	1	2	DELAWARE COUNTY.....	9	5
Fredonia.....	5	9	Deposit (See Broome County). . . . .		
			Walton.....	5	.....
			Remainder.....	4	3

† Not reported.

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Table 32—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR ENDED  
JUNE 30, 1917—(Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO —		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO —	
	Boys	Girls		Boys	Girls
DUTCHESS COUNTY.....	132	109	GREENE COUNTY.....	34	11
Amenia.....	2	.....	Catkill.....	29	6
Beacon.....	15	16	Coxackie.....	5	4
Dutchess Junction.....	.....	1	Remainder.....	.....	1
Fishkill.....	.....	1			
Glenham.....	2	3			
Poughkeepsie.....	74	76			
Rhinebeck.....	1	1			
Wappingers Falls.....	22	8			
Remainder.....	6	3			
ERIE COUNTY.....	2,288	1,339	HERKIMER COUNTY.....	102	58
Akron.....	2	1	Dolgeville.....	10	8
Blaedell.....	1	.....	Frankfort.....	12	5
Buffalo.....	2,081	1,230	Herkimer.....	12	6
Depew.....	2	1	Iion.....	20	11
East Aurora.....	17	6	Little Falls.....	39	17
Ebenezer.....	.....	3	Middleville.....	.....	1
Farnham.....	7	8	Mohawk.....	.....	4
Hamburg.....	8	1	Newport.....	1	3
Kenmore.....	2	2	West Winfield.....	2	.....
Lackawanna.....	45	14	Remainder.....	6	3
Lancaster.....	11	.....			
Orchard Park.....	4	4			
Sloan.....	18	23			
Springville.....	3	6			
Tonawanda.....	45	28			
Williamsville.....	9	2			
Remainder.....	33	10			
ESSEX COUNTY.....	8	1			
Keeeeville (See Clinton County).	.....	.....			
Saranac Lake (See Franklin County).	.....	.....			
Ticonderoga.....	8	1			
FRANKLIN COUNTY.....	17	8			
Fort Covington.....	1	.....			
Malone.....	1	2			
St. Regis Falls.....	9	3			
Saranac Lake.....	3	1			
Tupper Lake.....	1	2			
Remainder.....	2	2			
FULTON COUNTY.....	141	103			
Broadalbin.....	7	4			
Dolgeville (See Herkimer County).	.....	.....			
Gloversville.....	89	65			
Johnstown.....	38	31			
Mayfield.....	3	1			
Northville.....	2	2			
Remainder.....	2	.....			
GENESEE COUNTY.....	56	23			
Batavia.....	34	10			
East Pembroke.....	1	.....			
Le Roy.....	12	4			
Oakfield.....	3	1			
Remainder.....	6	8			
MONROE COUNTY.....	1,159	893			
Brockport.....	4	.....			6
Churchville.....	2	.....			
East Rochester.....	4	.....			1
Fairport.....	11	15			
Gates.....	7	5			
Hilton.....	2	.....			1
Honeoye Falls.....	1	.....			
Penfield.....	2	3			
Pittsford.....	3	3			
Rochester.....	1,068	849			

Table 32—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR ENDED JUNE 30, 1917—(Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO —		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO —	
	Boys	Girls		Boys	Girls
MONROE COUNTY—(Concluded):			ONEIDA COUNTY—(continued):		
Scottsville.....	2	1	Vernon.....	13	2
Spencerport.....	1	1	Waterville.....	17	9
Webster.....	7	1	Whitesboro.....	3	2
Remainder.....	27	9	Yorkville.....	29	20
MONTGOMERY COUNTY.....	165	130	Remainder.....		
Amsterdam.....	122	101	ONONDAGA COUNTY.....	649	558
Canajoharie.....	9	8	Baldwinsville.....	4	1
Fonda.....	1	1	Camillus.....	4	8
Fort Johnson.....	2	1	East Syracuse.....	3	6
Fort Plain.....	6	7	Eastwood.....	4	1
Fultonville.....	2	2	Liverpool.....	3	4
Hagaman.....	3	4	Manlius.....	5	5
Nelliston.....	4	2	Marcellus.....	9	1
St. Johnsville.....	16	4	Skaneateles.....	3	4
NASSAU COUNTY.....	67	38	Skaneateles Falls.....	29	12
Bellmore.....		1	Solvay.....	577	306
Cedarhurst.....	3	.....	Syracuse.....	5	4
East Rockaway.....	1	.....	Remainder.....		
Farmingdale.....	1	1	ONTARIO COUNTY.....	52	28
Floral Park.....	4	.....	Canandaigua.....	8	7
Freeport.....	7	2	Clifton Springs.....	.....	1
Hempstead.....	10	4	Geneva.....	26	13
Inwood.....	13	4	Naples.....	1	5
Lawrence.....	1	1	Phelps.....	6	.....
Lynbrook.....	2	2	Shortsville.....	2	.....
Mineola.....	5	4	Victor.....	1	1
New Hyde Park.....	2	.....	Remainder.....	8	1
Rockville Center.....	1	1	ORANGE COUNTY.....	145	69
Valley Stream.....	3	5	Firtholif.....	5	1
Remainder.....	14	7	Goshen.....	7	2
NEW YORK COUNTY (See under New York City).....			Highland Falls.....	3	.....
NIAGARA COUNTY.....	248	139	Middletown.....	28	26
Gasport.....	5	4	Montgomery.....	1	.....
La Salle.....	8	5	Newburgh.....	39	19
Lewiston.....	2	.....	New Windsor.....	4	1
Lookport.....	57	25	Pine Bush.....	1	.....
Middleport.....	4	2	Port Jervis.....	28	9
Newfane.....	3	.....	Walden.....	11	6
Niagara Falls.....	117	66	Warwick.....	9	1
North Tonawanda.....	51	32	Remainder.....	9	4
Remainder.....	1	5	ORLEANS COUNTY.....	42	30
ONEIDA COUNTY.....	448	389	Albion.....	20	15
Boonville.....	2	2	Holley.....	4	1
Camden.....	10	6	Kendall.....	1	3
Clark Mills.....	3	2	Lyndonville.....	.....	1
Clayville.....	3	4	Medina.....	11	4
Clinton.....	6	.....	Remainder.....	6	6
Deerfield.....	2	.....	OSSWEGO COUNTY.....	136	101
Forestport.....	1	.....	Cleveland.....	.....	4
New Hartford.....	4	.....	Fulton.....	50	17
New York Mills.....	7	14	Lacona.....	1	.....
Oriskany.....	7	3	Mexico.....	8	3
Oriskany Falls.....	5	2	Minetto.....	1	.....
Rome.....	42	48	Oswego.....	68	74
Sauquoit.....	4	2	Pulaski.....	3	1
Sherrill.....	5	3			
Utica.....	286	210			

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Table 32—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR ENDED JUNE 30, 1917—(Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO —		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO —	
	Boys	Girls		Boys	Girls
Oswego COUNTY — (continued)			SARATOGA COUNTY.....	68	55
Sandy Creek.....	1	.....	Ballston Spa.....	4	7
Williamstown.....	2	.....	Corinth.....	2	5
Remainder.....	2	2	Mechanicville.....	4	5
OTSEGO COUNTY.....	14	20	Saratoga Springs.....	18	8
Cherry Valley.....	.....	1	Schuylerville.....	2	1
Morris.....	1	.....	South Glens Falls.....	2	1
Oneonta.....	4	11	Stillwater.....	14	1
Otego.....	.....	1	Victory Mills.....	4	4
Richfield Springs.....	8	3	Waterford.....	8	2
Unadilla.....	1	3	Remainder.....	4	1
Remainder.....	.....	1			
PUTNAM COUNTY.....	11	8	SCHENECTADY COUNTY.....	582	79
Brewster.....	5	5	Schenectady.....	367	76
Cold Spring.....	6	3	Scotia.....	12	2
QUEENS COUNTY (See under New York City). . . . .			Remainder.....	3	1
RENSSELAER COUNTY.....	208	158	SCHOHARIE COUNTY.....	5	4
Averill Park.....	1	2	Cobleskill.....	.....	3
Castleton.....	5	.....	Esperance.....	1	.....
Hoosick Falls.....	.....	1	Sharon Springs.....	1	1
Nassau.....	1	.....	Remainder.....	1	.....
Rensselaer.....	9	4			
Sand Lake.....	2	4	SCHUYLER COUNTY.....	8	4
Schaghticooke.....	2	3	Watkins.....	8	3
Troy.....	183	120	Remainder.....	.....	1
Valley Falls.....	2	.....			
West Sand Lake.....	1	.....	SENECA COUNTY.....	31	7
Remainder.....	2	5	Interlaken.....	1	.....
RICHMOND COUNTY (See under New York City). . . . .			Seneca Falls.....	18	.....
ROCKLAND COUNTY.....	43	26	Waterloo.....	11	6
Congers.....	1	1	Remainder.....	1	1
Garverville.....	1	2			
Haverstraw.....	2	1	STEUBEN COUNTY.....	117	36
Hillburn.....	3	.....	Addison.....	2	.....
Nyack.....	4	1	Arkport.....	7	.....
Piermont.....	8	5	Avoca.....	.....	1
South Nyack.....	.....	1	Canisteo.....	4	2
Spring Valley.....	11	9	Corning.....	22	7
Suffern.....	5	.....	Hammondsport.....	3	.....
Upper Nyack.....	1	.....	Hornell.....	55	20
West Haverstraw.....	3	.....	Painted Post.....	7	.....
Remainder.....	4	6	Prattsburg.....	.....	1
ST. LAWRENCE COUNTY.....	29	16	Wayland.....	7	1
Gouverneur.....	4	3	Remainder.....	10	4
Massena.....	1	.....			
Morristown.....	1	.....	SUFFOLK COUNTY.....	84	47
Norwood.....	5	1	Amityville.....	6	3
Ogdensburg.....	12	11	Babylon.....	4	3
Potsdam.....	3	.....	Bay Shore.....	5	2
Remainder.....	3	1	Central Islip.....	.....	2

† Not reported.

Table 32—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR ENDED JUNE 30, 1917—(Concluded)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—	
	Boys	Girls		Boys	Girls
SUFFOLK COUNTY—(Concl'd):			WAYNE COUNTY—(Concluded):		
Sag Harbor.....	15	.....	Palmyra.....	4	1
Sayville.....	1	1	Savannah.....	.....	3
West Sayville.....	13	6	Sodus.....	3	2
Remainder.....			Williamson.....	2	1
SULLIVAN COUNTY.....	10	2	Wolcott.....	4	1
Mamakating.....	10	1	Remainder.....	5	1
Remainder.....					
TIOGA COUNTY.....	17	15	WESTCHESTER COUNTY.....	371	379
Barton.....	.....	2	Ardsey.....	2	.....
Newark Valley.....	1	.....	Bronxville.....	1	1
Owego.....	8	10	Buchanan.....	.....	.....
Waverly.....	4	3	Chappaqua.....	.....	.....
Remainder.....	4	.....	Croton-on-Hudson.....	1	.....
TOMPKINS COUNTY.....	36	6	Dobbs Ferry.....	1	.....
Groton.....	2	1	Elmsford.....	4	1
Ithaca.....	22	1	Harrison.....	2	1
Trumansburg.....	1	.....	Hastings-on-Hudson.....	4	2
Remainder.....	11	4	Mamaroneck.....	5	2
ULSTER COUNTY.....	128	87	Mt. Kisco.....	4	2
Clintondale.....	.....	1	Mt. Vernon.....	72	49
East Kingston.....	1	.....	New Rochelle.....	17	16
Ellenville.....	1	.....	North Pelham.....	5	1
Glasco.....	3	.....	North Tarrytown.....	3	7
Highland.....	2	.....	Ossining.....	5	12
Kingston.....	100	75	Peekskill.....	20	17
Napanoch.....	1	.....	Pelham Manor.....	.....	1
Rosendale.....	2	2	Port Chester.....	22	20
Saugerties.....	8	6	Rye.....	2	.....
Wallkill.....	6	.....	Tarrytown.....	1	2
Remainder.....	4	3	Tuckahoe.....	12	1
WARREN COUNTY.....	32	21	Verplanck.....	3	1
Glens Falls.....	25	17	White Plains.....	11	4
Luzerne.....	3	.....	Yonkers.....	160	137
Warrensburg.....	3	2	Remainder.....	4	2
F Remainder.....	1	2			
WASHINGTON COUNTY.....	32	40	WYOMING COUNTY.....	95	19
Cambridge.....	2	3	Arcade.....	1	.....
Fort Edward.....	1	.....	Castile.....	1	.....
Granville.....	4	13	Perry.....	9	7
Greenwich.....	.....	1	Silver Springs.....	1	1
Hudson Falls.....	5	5	Warsaw.....	13	11
Salem.....	3	3			
Shushan.....	2	9	YATES COUNTY.....	16	7
Whitehall.....	14	5	Penn Yan.....	15	7
Remainder.....	1	1	Remainder.....	1	.....
WAYNE COUNTY.....	47	30			
Clyde.....	5	3	TOTAL STATE—Exclusive of New York City.....	8,848	5,475
Lyons.....	9	5			
Marion.....	4	3	LOCALITY	Number of certificates issued	
Newark.....	8	5	NEW YORK CITY.....	43,371	
Ontario.....	3	5	Bronx Borough.....	5,366	
			Brooklyn Borough.....	16,792	
			Manhattan Borough.....	16,956	
			Queens Borough.....	3,501	
			Richmond Borough.....	756	
			TOTAL STATE.....	57,694	

**PART IV**

**REPORT OF BUREAU OF WORKMEN'S  
COMPENSATION**

[119]



(1) REPORT OF SECOND DEPUTY COMMISSIONER  
IN CHARGE OF BUREAU OF WORKMEN'S COMPENSATION

*To the Industrial Commission:*

In submitting this report for the year beginning July 1, 1916, it is suggested that it be read in connection with previous reports covering the entire period of the administration of the Workmen's Compensation Law, beginning July 1, 1914. The set of reports, four in number, will contain a succinct outline of the development of the Compensation Law and its administration in this State. There has been an uninterrupted development so that the end of the year sees the work administered in a manner that merits no justifiable criticism when all things are considered. It would be rash to say, however, that improvements are at an end or that an ideal has been reached. There remains the efforts of months and years to be expended in making the Bureau a model of perfection and the things that offer the greatest impediments are not altogether within our control. We are constantly working against an uneducated and inexperienced background. By this I mean that while workmen have a general idea of the law and its provisions the detail seems to be hazy. Less than three per cent of the workmen of the State annually receive cash benefits and not until a workman is injured is he confronted with the necessity of knowing just what to do. Hence my reference to inexperience and lack of education. Then, too, it is the unskilled rather than the skilled who are injured and thousands of them can not read or write the English language. This clearly points to the necessity of a persistent campaign of education to be conducted through circulars, through the press, throughout the plants and in public meetings. Money might well be expended to cover the distribution of much printed matter, and, indeed, our forms are so drawn as to contain specific instructions in simple language. We are preparing to send out instructions in every language to claimants who correspond with the Department, but the difficulty there is that the information is not given soon enough; for the failure to do the proper thing by way of giving notice or requesting medical services, etc., has all occurred before

the Bureau has had knowledge of the accident. General meetings of employees to hear addresses or to see moving picture illustrations, and information given on pay envelopes or on slips at the time of employment is the very best way in which to teach employees what to do. Nor will the proposal entail any burden by way of expenditures of money, but, on the other hand, will in the long run effect a real saving in dollars and cents. I have repeatedly said that viewed as a whole the Compensation Law does not mean added burden. Instead it means a genuine relief as measured in dollars and cents. With this in mind it can be argued that there is not only present the fine incentive of a better condition offered but also the splendid business incentive of a real saving of money. Another and even greater impediment is our inability to maintain a permanent force of employees, reference to which is made further on and in such manner as to show that this too has been somewhat beyond our control. It is a mistaken opinion I believe generally held by the public that public employment is to some extent a sinecure. So far as the Industrial Commission goes there is a call for a revision of this opinion.

I would suggest that the Legislature be asked to appropriate sufficient money to accomplish a thorough distribution among all the employees of the State in the various languages a resumé of the Compensation Law with the rules of procedure simply stated.

And, inasmuch as the law requires recommendations, I offer for consideration the following paragraphs containing suggestions for amendments with the reasons therefor; for, I am firmly of the opinion that we should courageously undertake to establish the whole compensation administration on perfect lines and that we should not hesitate to ask the Legislature to make the numerous changes, small and large, that will make for justice, simplicity and smoothness all along the line.

#### SECTION TWO

As in previous reports, I recommend that section 2 of the law be entirely rewritten and that the exclusions of employments rather than the inclusions of them be specified. There is every reason to support this recommendation. When the law first was

written it was manifestly the desire of the lawmakers to include all hazardous employments. The decisions of the Commission and the interpretation of the law by the courts have also shown forth a tendency to make the coverage as broadly inclusive as possible. Repeatedly has the law been amended to extend the coverage, by additional specific employments, by enlarging the definition of "employee" to include all persons engaged in one of the occupations enumerated or in the service of an employer whose principal business is enumerated, by enlarging the definition of "employment" by adding the phrase "or in connection therewith," by including the employees of the State and its municipal subdivisions and by providing for a plan of election reaching all employers without the statutory definition. Then there is also the other great argument based upon the fact that industry already has assumed a burden sufficient to provide compensation to an all-inclusive coverage; for, it is true that insurance companies sell a blanket policy covering compensation liability and other liability and that the rate is no higher when compensation is included than when it is not included. It simply remains, therefore, for the Legislature to specify exclusions only and the work is done. Ordinarily, exclusions include domestic help and farm help but that may well be left to the wisdom of the Legislature. I do not think it is sufficient to say that because the law is becoming better known and many court decisions have already been handed down interpreting questions of coverage that the section referred to should be left undisturbed. The Compensation Law is with us to stay and it involves such vast detail and calls for such rapid disposition of cases that we should bravely undertake a correction of the law at the earliest possible moment where experience has proven a clear guide. In respect to this recommendation it seems to me the question has only one side.

But if the Commission will conclude not to suggest to the Legislature a thorough rewriting of section 2, I would then suggest the following employments which should be added to the respective groups: hotels of fewer than fifty rooms; employees of theaters and amusement houses except actors and actresses; street lighting; retail establishments.

I would suggest also that the definition of accidental personal injury be made to include heat prostration, frost bite, lead poisoning, caisson disease, anthrax and wood alcohol poisoning. It is true we have granted compensation in cases involving all these but inasmuch as they are on the border line between occupational disease and injuries of accidental origin, I think the law should be made more definite and certain. In this we shall but follow the prevailing tendency in compensation matters.

I suggest also that where work is let to independent contractors, that the compensation liability be imposed upon all parties to the contract in the event of the failure of the independent contractor or subcontractor to provide compensation insurance.

#### NOTICE OF INJURY.

Two matters are outstanding as entailing many difficulties in the administration of the law. I refer to notices of injuries and to medical services. With respect to the notices of injuries the law provides that within ten days after disability or within thirty days after death, claimant shall give notice to the Commission and to the employer. It also provides that the notice shall be in writing and that it shall contain certain information. It also provides in certain instances the manner of serving the notices and finally that the failure to give notice may under certain circumstances be excused by the Commission. Another section of the law requires that the employer shall give notice to the Commission within ten days after the occurrence of an accident and that he shall make the notice in writing, etc. Now as a matter of fact if these provisions were literally and absolutely enforced thousands of claims for compensation would be defeated and thousands of employers might be prosecuted for misdemeanors punishable by fines. It was thought in the past that time would so diffuse knowledge about these provisions that they would scarcely ever be violated. But any expectations along this line have so far been disappointed. Notices are not given in time by either employers or employees. Consequently the Commission has made it a practice generally to excuse the failure to give notice and to refrain from prosecuting employers. In fact, not a single employer to date has been prosecuted for failure to give notice

and not very many claims have been denied because of failure to comply with the rule of notice. But of late there has been a marked disposition on the part of employers and insurance carriers to resist claims on the ground of lack of notice and the Commission has been compelled to a stricter attitude and the courts are lately showing a disposition to adhere to the letter of the law. They have finally forbidden the Commission to excuse the lack of notice in a formal manner or without first compelling the claimant to establish that the fact of his injury was brought to the knowledge of his employer. The situation has now become one crying for remedy. If adequate notice has not been given it still remains true that the employer was insured and that industry is paying out money sufficient to compensate losses. It therefore turns out that the money saved when claims fail because of lack of notice is not saved to industry and the saving works no economic good to the State. It should be added, in fairness, that insurance carriers in thousands of instances might have stood more rigidly on their defense but that they, too, generally have not done so. The tendency of late, however, encouraged and supported by the court decisions, is in a different direction. It seems to me, therefore, that the law needs to be entirely rewritten on the question of notice. I, therefore, would suggest that the time of notice be lengthened to at least thirty days for disability. This would give us an incidental administrative relief for now a claim may not be made until after fourteen days whereas a notice must be filed within ten days. To extend the time of notice would allow a claimant to file his notice and claim at the same time and to use the same paper for the two purposes. I think that oral notice should be acceptable and that it should be sufficient if knowledge of the injury were brought home to the employer or to his agents or foremen. Many employees do not know who their employer is and can scarcely be expected to know upon whom papers may be served to comply with the legal requirements. It should be sufficient if the man in charge knows, for if he does the employer may have sufficient knowledge upon which to base his report to the Commission. With such report filed, it is and has been the practice of the Commission to send at once to the injured the necessary papers to be used in filing claims.

Thus the machinery of the bureau itself might aid in bringing about early claims. Then I would suggest also that to bar a claim entirely because of lack of notice or because of delayed notice works too severe a penalty upon the injured party who in justice has a rightful claim to compensation. Would it not be better and after all sufficiently punitive to penalize the claimant for lack of notice or delay in notice according to a scale of slight discounts? I suggest also that the law be amended to retain the provision that the Commission may excuse failure to give notice but that it be modified to provide full discretion in the Commission and that the Commission's finding in this respect be not reviewable. I, therefore, suggest that the law be made to read thirty days after injury or disability instead of disability alone and that in death cases no certain time for notice be provided.

With respect to the statute of limitations I think that it should operate not as an absolute bar and that it should not run against imbecility, duress, absence, minority, etc. I think also it should be required that it be pleaded as a defense.

#### MEDICAL SERVICES

Another provision of the law which should be completely amended is that defining the right to medical services. It should in this connection first be appreciated that industry pays its premiums to cover medical expenses but that, because of the present requirements of the law, claimants through ignorance fail to do the necessary things to fasten the obligation upon the employers or insurance carriers to render specific performance. For instance, sections 13 and 24 covering the matter are ambiguous. I have never yet seen as many as three lawyers together who agreed upon the exact meaning of the two sections. But more important than any discussion of their meaning is their obvious effect which is that in thousands of instances claimants are compelled to provide their own medical services and physicians find themselves unable to collect for the same. Here again it is fundamental that the injured persons have a rightful claim for medical services and that any savings effected under the present working out of the plan is a saving of no economic benefit to the State. The law requires an employer to

provide medical services for sixty days upon certain conditions, namely, that he be requested by the injured to furnish such services. Ordinarily, the injured person does not understand what the law requires of him or if he understands it, relies upon making his request to the wrong person or in such a manner that when the matter comes up for adjudication he is unable to prove it. A physician on the other hand often undertakes to render services without a certainty as to whose obligation it is to pay for said services and is disappointed later to find himself unable to collect his fees. It is true that if it be the employee's obligation a lien may attach against unpaid compensation but in the majority of cases the cash benefits have been received and enjoyed before the physician thinks of making his claim. A recent decision in the second department of the Supreme Court has held that the term compensation includes medical services. This is entirely contrary to the opinion held by the Commission from the beginning. The question is now before the courts for determination. There is a radical difference of opinion as to whether or not injured employees should be allowed to choose their own physicians. Those who would favor it say that it is a fundamental right of the injured to select his own physician, that all physicians are licensed by the State and that the State, through its regulation of fees, could control the matter of cost and would find in a physician, who would thus become a quasi public officer, a useful witness as to the nature and extent of disability and that to deny the right is to encourage contract surgery and to put the medical evidence under the control of the insurance companies. On the other hand, those who oppose the exercise of such a right say that the interest of the employer and the insurance carrier to shorten disability will cause the selection of better physicians, guarantee better results and a speedier restoration of ability to work. They also say that their plan will discourage malingering and fraudulent practices such as collusion between the injured and their physicians. It seems to me I can suggest a remedy which should satisfy both and accomplish the purposes of the law. In this respect my recommendation is the same as it was last year. This plan would allow employers and insurance carriers to pass upon the credentials of physicians and at the same time it would allow a reasonable choice on the part of the injured.

The plan is: To require the employer to post about his place of business and to furnish on a printed slip at the time of employment the names of physicians whose services may be conveniently obtainable, and to whom injured workmen, without the necessity of first requesting medical services, may go after accident, and also to provide a sufficient number to give the injured a reasonable choice. It may be left to a rule of the Commission to designate the required number and thereafter some such rule as the following might be framed: For an employer who has ten or fewer employees, three physicians; for the next fifty or fewer, two additional names; for the next 100, two additional names; and for each additional 500, three additional names.

I suggest also that the law be further amended to grant medical services without any limitation as to time. The cases requiring treatment for more than sixty days relatively are so few that the increased cost as compared to the entire cost would entail no increase of rates.

A further word on the subject: If the courts above should hold that the word compensation includes medical services we then should be confronted with the problem of establishing a tribunal to try questions of fact surrounding the making of requests for medical services. At the same time, we should be compelled to develop facts surrounding the making of contracts and become in that respect wholly a court. Sixteen to eighteen accidents out of a hundred result in claims for cash benefits. The entire hundred will be medical cases. With this in mind it will be recognized that if only a minimum estimate of cases to come before the Commission be realized we still shall have so vast an increase in our work as to require an entire reformation of the budget.

#### HERNIAS

To the specific schedule in section 15 should be added hernias except the true traumatic hernias sustained through violent causes. The Commission has adopted the theory supported by the most learned of the medical profession that ordinary hernias are congenital in their origin, and that the injuries for which compensation is claimed are but increased manifestations of pre-existing conditions caused by strains, by lifting or other similar slight causes, albeit they may reveal to the claimants for the first

time that they have hernias. The practice of the Commission has been to pay compensation after the first two weeks until the claimant is able to be operated upon and six weeks more, beginning when the claimant enters the hospital, for the operation for single hernias, and ten to twelve weeks more for double hernias. Since the amendment providing for compensation for the first two weeks for disabilities lasting longer than forty-nine days, the Commission has added two weeks to the compensatable period. In addition to these cash benefits, the employers or insurance carriers have been required to pay the cost of operation including hospital charges, an average of \$50 to \$100. That this has been adequate compensation is evidenced by the fact that the claimants have received compensation during disability and in addition thereto have had operations which have put them in better condition than they were before. Where claimants have refused operation they have not received any money in lieu of hospital expenses but ordinarily they received a truss or other necessary support. I, therefore, recommend that the practice of the Commission be incorporated in the law itself following my general recommendation that, as fast as experience demonstrates the wise course to be followed, discretion should be written out of the law and certainty written in. However, there are two classes of cases which should be excepted from the general rule, the first having already been referred to. The other class is that of persons sustaining hernias who, because of their physical condition, may not be operated upon because of the fear that death might ensue. Such cases should perhaps be more generously compensated in the discretion of the Commission. Hernia cases have proved rather troublesome ones to handle and they are very numerous as the report of the statistician will disclose. In fact, it is not a matter of general knowledge how many men are afflicted with this disablement. We must, therefore, be on guard or all hernias will sooner or later reach the Commission for compensation regardless of their causes. In no class of cases should the rule of notice be more strictly enforced. It is not of uncommon occurrence to find a claim for hernia filed with the Commission months after the alleged cause and months also after the fact of the hernia was brought to the knowledge of the employer.



**FORMS**

I recommend that each carrier be required to provide its own forms, such forms to be prescribed by the Commission, or, that an arrangement may be made whereby the Commission may collect from each carrier an amount of money sufficient to replenish its stock of forms. This may be done by a rule of the Commission. At the present time some carriers supply their own forms while others depend upon the Commission's supply, all of which works an inequity as among themselves.

As is well known, claims are handled as filed directly with the Commission or by way of agreement entered into between the employer and employee. In the law the approval of the agreement constitutes the award. The Commission is charged with investigating the facts upon which an agreement is made and to do this causes the agreement to be examined in connection with the notices of injury filed by the employer and by the employee. The Commission by resolution has twice required insurance carriers to file with the agreement the attending physician's report. This requirement has not been complied with although carriers have repeatedly been enjoined to do so. Admittedly, it is sometimes difficult to get a physician's report. If discrepancies are found the claims division undertakes, through additional evidence, to resolve the discrepancy. Except in specific schedule cases, the agreement does not cover the time of disability. It often turns out, therefore, that disputes arise over the time of disability. When disputes so arise the cases are put on the calendar and handled in quite the same manner as are claims filed in the first instance directly with the Commission. The proportion of claims and agreements is properly expressed by the ratio 22:35. The number of agreements which afterwards reach the calendar on account of disputes is 20 per cent of them.

The question may be asked, Is sufficient money paid on cases adjusted by agreement? I am unable to my complete satisfaction to answer this question, yes or no. I shall soon investigate cases taken at random from the agreements filed by all carriers to discover if there is anything like systematic unfair dealing or bad faith. The absence of complaints would seem to point to fair settlements. I have thrown a proper and very effective safeguard around the matter by causing the notices of approval of agree-

ments to contain a statement to the injured employee to present the statement any afternoon at the offices of the Commission for medical examination, if he feels that his claim has been adjusted without a proper knowledge of his rights on his part, or if he feels that it has not been properly adjusted.

In connection with the payment of awards the Commission receives daily about 1,000 receipts. It will readily be seen that properly to handle these receipts requires a great deal of work. At first I arranged to open a book of accounts giving to each claim a page, where the awards made would be charged on one side and the money paid as evidenced by receipts would be credited on the other side. This worked well enough but our shortness of help prevented its continuation. There was also the difficulty of knowing what amount to enter as the award in the agreement cases which were after all the more numerous. This plan was abandoned and we adopted the alternative of filing in each case the receipts in that case, making a final notation of the full amount paid when the last receipt was filed which indicated that the case was at an end.

I recommend that greater promptitude in the actual payment of claims be compelled. Not infrequently are complaints filed with the Commission of delinquency in payments on the part of employers or insurance carriers and, when investigated, such complaints are found to be justified. In the administration of the law we are constantly troubled with this fault. The law itself seems to provide ample remedies in its penalty provisions and I suggest that the Commission authorize the enforcement of the penalty provisions until the situation is remedied. It might also be well to compel payment into the aggregate trust fund of the present value of awards in cases of repeated or habitual delinquency in payments. I think we have not been sufficiently vigorous with respect to the matter.

The provision of the law for advance payments is altogether commendable and generally has worked well, but we have had some difficulty also in the matter of advance payments made without either claims or agreements being filed with the Commission. Some employers have held that they were wholly within their rights in merely filing receipts unaccompanied by agreements or claims. Their contention is based on the fact that agreements are predicated on claims filed by employees and that, in the absence

of formal claims, no agreements were necessary. I think this is quite aside from the law, for if money be paid and received in satisfaction of the requirements of the Compensation Law, manifestly there is every element of a claim present even though it may not be presented on a form prescribed by the Commission. In such payments without an agreement or claim, the Commission is somewhat at a loss to know that such employers are paying their duly proportionate share of the expenses of the Bureau.

Within the year, two or three carriers have failed and the State through its Insurance Department has taken over the business of the companies for liquidation. One of the carriers was a large company with many claims. We immediately segregated all pending claims, pushed them to a rapid completion wherever possible, and computed the present actuarial values and called upon the employers to assume the obligations, which obligations are primary with them according to law. In nearly every instance, the employers assumed the obligations and continued the periodical payments which arrangement is still in progress. In a few instances, suits were brought and payments compelled. In other cases, this remedy was ineffective for obvious reasons so that the beneficiaries have been without money. This is working much hardship. Small employers who have been unable to take up the continuing payments have thus been brought face to face with a condition involving no culpability on their part.

The Legislature in its 1916 session amended the law so as to cover employees of the State or its political subdivisions engaged in hazardous employments but made no appropriation to pay awards when made. An appropriation of \$50,000 was made in 1917 and the political employees all have been properly compensated. It is likely that a reappropriation of the unexpended balance will be sufficient to cover the compensation payments for the ensuing fiscal year. Beginning with July 1, 1917, the State Comptroller became in effect an insurer with the State Insurance Fund which is now admirably handling the cases in question. Our experience indicates the number of such cases to be about 100 per annum.

Owing to the condition of war we have been called upon to determine the rights of aliens. In brief, the practice followed by the Commission is to allow no payments to be made to nonresident alien citizens of enemy states but payments have not been

withheld from those who are resident in the United States and who have not been denominated enemies by presidential proclamation.

#### OFFICE HELP

With respect to the question of help, it should be recorded in this annual report that the Bureau has been greatly handicapped in its work through its inability to retain a permanent staff of employees. The increased industrial activity and, in the latter part of the year, the call upon the young men to join the army has made industry in general a competitor in the employment of help, and while we were restricted to our budgetary allowance the outside employers were not and were able to outbid us. Consequently we have steadily lost our clerical employees because of better wages offered elsewhere. In our higher grades of help, our claim examiners, underwriters, etc., we have been a recruiting office for the insurance companies. I am well within the truth when I say they have employed fully two-thirds of our higher grade employees by offering higher wages, and while it is a tribute to the efficiency of our trained help it has constantly given us a serious handicap and we have never been without so many new employees that we were not constantly expending much energy in the mere training of help. This should not be so. The work is such that it requires not only persons trained to do it because after the lapse of a few months there is a very marked increase in the amount of work they can do, but, what is equally as important, the Bureau requires workmen who are inspired to do work of a fine quality. We are not dealing with things alone or with abstract questions but we are dealing with people and not only with thousands but with tens of thousands, hence there must be upbuilt a devotion to duty, an attitude quickly responsive to claims of distress and wonderful patience in dealing with all classes of people, many of whom under the circumstances are not quite themselves. It must be recognized at all times too that without proper safeguards and eternal vigilance the opportunities for wrongdoing might offer temptations and pave the way for scandal. Unless the work of the Compensation Bureau remains constantly inspired, it loses its finest complement. Sympathy for injured workmen is active not passive, lively not dead, it is evidenced here by acts alone. Without sympathy there will be the

lack of it and the lack of it will be denoted by coldness, indifference, impatience. This sympathy can be exhibited without any leaning away from the truth. The Bureau is taught to love justice when making up awards but to be sympathetic when dealing with people. This being true, the organization has been at all times taught to adjust itself closely to the real conditions. It is literally impossible to maintain the desired standard with a force whose personnel is endlessly changing. This being true, I have asked the Commission to grant a higher budgetary salaries allowance, not an item of which but is entirely defensible, defensible by the test of a relatively low amount and defensible by the standard of wages set by industry throughout the State. Today we simply can not compete with the outside in the maintenance of an office force. Even the government at Washington has in its new insurance departments a generous sprinkling of employees trained and well trained in this Bureau.

If I were asked what is the worst prevailing tendency at the present time I should say the disposition on the part of certain interested parties (with honorable exceptions) to make use of technicalities in resisting claims. The tendency in this direction is marked and all the more so because of the numerous court decisions. If this continues, our tribunals trying cases will have to be multiplied and the character of the proceedings will become wholly adversary. It should not be so. What it should be is a hearing more of the nature of a conference in which there is united effort to develop the facts and to get at the truth. I think this is what the Legislature intended and I am sure that the people of the State will desire nothing else. If the proceedings become too technical, claimants will have to be represented by attorneys and therefore suffer heavy discounts in the payment of fees which should not at all be necessary; or, the presiding commissioner will be compelled to participate to such an extent that for the mere protection of the record he will have to seem to be interested on one side of the case. It may be that the matter can be controlled through the Commission's oversight of the character of representatives taking care of cases and rule out those who demonstrate a lack of integrity, a want of sympathy with the purposes of the law or who act scornfully and without feeling towards the claimants. This matter is of immediate and vital import and unless

it is entirely controlled will cause an increasing amount of trouble.

Kindred to this, but on the other side, is the presence of non-professional friends (?) of claimants who become very active and solicitous in cases promising in the end lump sum awards. We are suspicious, and not without reason, that it amounts almost to an organized effort and that "trade" is sometimes picked up in our very corridors. We have been watchful but uneasy. We can not deny the presence of real friends of claimants nor say that the assistance they often render is not helpful, but we shall have to be on guard against designing persons who become interested in cases to obtain a fee through representations that the exercise of their offices has secured the granting of an award or increased it over what it might have been. The persistency to the point of brazeness of some of these nonprofessionals is indicative of the danger ahead unless we are able to give the thing its quietus.

#### CALENDARS

I have made no attempt of late to diminish the calendar, by which I mean the cases listed for public hearing. There was a time when I made the experiment of diminishing the calendar which is a thing not so hard to do. The Department is a department of records, and documentary testimony would seem to be the expected plan to follow. In other words, from an academic point of view the Commission might say to all claimants, we are here to examine the evidence offered in support of claims. But we must never forget that we are working to some extent against an uneducated background and that conditions of distress attended by unfamiliarity with the preparation of written testimony are present in the vast majority of cases. At any rate our experiment to diminish the calendar proved quickly that the attempt was accompanied by an increase of the average time in the handling of cases. Claimants were unable properly to prepare their papers or to compel employers, physicians and others to file necessary reports, were compelled often to pay out money for assistance, were unsympathetic with the necessity of developing jurisdictional facts aside from the main facts surrounding the injury and often demonstrated that they did not know just what to do. The experiment was worth while and caused a quick abandonment of any attempt to diminish the calendar, rather the adoption of a plan

for larger calendars and easier access to the open tribunal for hearing claims. This tribunal is to be seen at work day after day administering in a forthright manner simple justice. It is one of the finest developments of the Compensation Law and has elicited expressions of admiration from eminent publicists and jurists. For a long time there has been a clamor for petty claims courts in which justice may not be enmeshed in many technicalities and to an extent defeated and made too costly. Here we have such a court although the claims may not be properly classed as petty since the benefits will average about \$40,000 a day. The process is not without some crudities. The contest is sometimes sharp and the appellate court in a certain decision designated it as "rough justice." However, this was taken as being not uncomplimentary; for, after all, justice is an elemental thing and no satisfactory process this side of heaven has been found for refining it if indeed it needs refining. In this tribunal every man may be his own advocate and each being so alive to his own cause it is well advocated and often with surprising ability. Interpreters are at hand speaking from twelve to twenty languages and dialects and they are needed. It is true that 60 per cent of claims are settled by the agreement method but of this percentage one-fifth reaches the calendar sooner or later for the settlement of some dispute. Of the claimants who appear at the tribunal seven out of ten require the services of an interpreter. With the explanation given, it must not be inferred that seven out of ten of all who are injured in this state can not speak the English language. But as time goes on and as sentiment is worn out, and this is the tendency, it requires more and more time to look into the cases, that is, a more painstaking and patient effort.

The relative importance of death cases, involving the outlay of more than two-fifths of all compensation payments, the increasing number of such cases, and the time required for the hearing of them caused me to place them on a separate calendar. Such calendars are heard every Wednesday with an extra calendar now and then. Plans were also perfected to segregate death cases and put them in the hands of two or three examiners for special investigation and handling. This has also worked to advantage. At the time this report is written the Bureau is well up to date in such cases.

There has been no more interesting development in compensation matters than in respect to so-called lump sum settlements. Every Compensation Law makes provision for payment of awards not only upon the basis of total disability, temporary or permanent as the case may be, but also upon the basis of impairment of earning capacity in varying degrees less than total. And there are, of course, many cases in which claimants have returned to work and demonstrated the degree of impairment of earning capacity, but such cases are after all relatively few and it may be said that in the great number of cases claimants are entirely out of work until they are back at work at the old wage. This has given us a real problem. It is pretty difficult to settle the question of dispute when one side says he is able to work and the other side says he is unable to work and cannot get work. In connection with this class of cases, and forming a part of the class itself, are the numerous cases of permanent partial disability in which recovery is as complete as it will ever be, as for instance, a stiff elbow, an inverted foot, a lame back, etc., in which the claimants have returned to work at former wages. The strict rule of the law is that when they shall be out of work or when they shall receive a lower wage because of such disability that they may again appear before the Commission for compensation. This is an unsatisfactory way of handling the claims and unsatisfactory alike to everybody concerned. It also entails that degree of uncertainty which should not be present in the administration of a law when the cases are so numerous. Hence, the Commission had adopted a practice which is being followed without objections by anyone of estimating in a single value all future impairment of earning capacity and in adjusting such cases by the payments of lump sums. I mention this not for the purpose of suggesting any remedy, for indeed I think the plan is admirable, but merely that it may have its place in the history of the development of workmen's compensation. To show how numerous are such cases, I am able to say the number thus adjusted annually will approximate 5,500.

#### IMPORTANT COURT DECISIONS

Within the year two notable decisions interpreting the law with respect to cases of interstate commerce and with respect to the jurisdiction of the Commission over cases arising on the navigable

waters of the United States were handed down by the United States Supreme Court reversing the courts of this State which had upheld the Commission in its decisions with respect thereto. The effect of these decisions was to deprive the Commission of jurisdiction in cases in which the injuries were sustained while the employees were doing acts of interstate commerce and to deprive it of jurisdiction in cases also arising on navigable waters. With respect to the former, many cases held up pending the decision on appeal were of necessity put on for disallowance. Likewise the maritime cases. In all cases, however, previously decided in favor of the claimants and in which the employers or carriers had acquiesced or had done nothing to save their rights the Commission has held that they are bound to continue payments on the theory that they are estopped from raising a defense at this time. Carriers have generally adopted the Commission's view and without question are continuing to pay compensation. It is interesting to relate that most of the carriers in the maritime cases really regretted the decision and expressed a preference for the compensation plan, hence it was easy to secure the enactment by Congress of a law amending the judicial code conferring on the Commission concurrent jurisdiction with the Federal courts in the admiralty cases and thus also an election of remedies to the injured. This enactment became effective on October 6, 1917. The court decisions were handed down on May 21, 1917. Cases arising in the interim were not compensatable.

#### **UNEXPECTED INCREASE OF CLAIMS**

The Budget for the fiscal year covered by this report was of course made in advance and the estimates were based upon an expected 50,000 cases (exclusive of medical). The first year had given us 40,855 claims; the second, 50,861 and we had taken the latter as a safe guide for the third year. But industrial activity continued to increase and the year actually gave us, as will be seen elsewhere, 58,562 claims. Our budgetary estimates were, therefore, too low and consequently the entire year was a period of stressful endeavor with no let-up. I want to bear testimony to the faithfulness of all the employees for their hard work and to say that the State was served with a spirit of real devotion. However, the maximum of volume is not always accom-

plished with the maximum of efficiency and in the very nature of things the fourth year inherited some unfinished work, particularly the filing of receipts. At the time this report is written the accumulation is almost entirely discharged.

With respect to speed in the handling of claims, it is confidently asserted that delays are things of the past. Checks are set against all pending cases which automatically bring about reexaminations to prevent their growing too old.

**INJURIES REPORTED AND CLAIMS AND AGREEMENTS FILED FROM JULY 1, 1914, TO JULY 30, 1917.**

	July 1, 1916 to June 30, 1917	July 1, 1915 to June 30, 1916	July 1, 1914 to June 30, 1915
C-1 Claims.....	22,531	29,414	53,887
C-2 Claims.....	<sup>1</sup> 101,596	56,485	54,299
C-1 No claims.....	22,662	42,051	78,745
C-2 No claims.....	181,843	175,688	180,215
C-3 Claims for compensation.....	22,673	18,215	39,306
C-3 Disposed of.....	23,112	17,954	37,875
C-3 Pending.....	<sup>2</sup> 1,253	1,692	1,431
C-103 Agreements.....	35,889	32,646	1,549
C-103 Disposed of.....	36,107	31,546	781
C-103 Pending.....	<sup>2</sup> 1,650	1,868	768
Deaths reported.....	<sup>3</sup> 1,584	1,238	1,008
Claims and agreements filed.....	1,570	1,366	812
Claims and agreements on calendar.....	1,395	1,348	703
Death cases pending.....	302	127	109

"C-1 No Claims" means first reports of injuries received from injured workmen which clearly indicate that the disability is of less than two weeks' duration and that no claim for disability award will be made. All such papers are filed in high division alphabetical indexes to be had quickly in connection with the claims or inquiries if subsequently such may be made. In the event of no such demand, after six months they are stored away.

"C-2 No Claims" means first reports of injuries from employers in such cases.

"C-1 Claims" means first reports of injuries received from injured workmen indicating the probability of a claim for compensation to follow. If a disability of ten days or longer is indicated, the reports are counted under this heading; for, while no compensation is paid for the first two weeks, such cases are likely to develop into claims.

"C-2 Claims" means first reports of injuries received from employers in such cases.

Note 1 — The figures here are higher than for the previous years solely because we set aside a greater number as "possible" claims. The reports of the employers are generally received before a claim is filed and not being always clearly indicative of the time of disability they are filed under the classification "claims" rather than "no claims."

Note 2 — In addition to these figures there were 3,500 agreements which had been examined and found approvable but which on the last day of the year were awaiting the sending out of approval notices. The clerical force having been augmented on July 1, this accumulated work was soon disposed of. The number of pending claims here given does not include the interstate and maritime cases which were being held in abeyance for final determination in accordance with the decisions in the Winfield, Jensen and Walker cases. The number of claims and agreements pending at the time this report is written, varies from 1,200 to 1,500 being the State's yield of agreements in seven to ten days.

Note 3 — The figures in death cases should be discounted by 20 per cent in order to eliminate such cases as for one reason and another turn out to be not compensatable. Owing to the importance of such cases, they are docketed and indexed upon first reports which are often filed without knowledge on the part of interested parties of the terms of the Compensation Law. Then, too, we have a considerable number of tentative claims filed for claimants who are alien and non-resident. Then, too, the interstate cases are not compensatable.

Additional facts may be recited:

The Commission proper heard 3,350 cases.

Two thousand five hundred cases passed through the office of the deputy commissioner in charge, comprising cases referred by deputy commissioners, by the claims division and including also cases in which decision was reserved from his own calendar of death cases.

Twenty per cent of all agreement cases finally reach the public hearings on disputes. All other agreements are formally approved without being calendared for public hearings.

In 1,500 cases statements were made that suit had been brought against a third party but in only 108 cases were suits actually begun. The practice of the Bureau in such cases is to hold the claims in abeyance pending the litigation in the law courts.

Once every two weeks medical calendars are held. The total number of such cases heard during the year were 1,300. In addition to this the medical division rendered its opinion on the reasonableness of fee bills in 8,000 medical cases which did not reach the Commission for a hearing.

The lump sum and final adjustment cases reached the total of 5,180. The grand total of the regular calendar cases, facts agreed and agreements approved, medical cases, etc., including all the reappearances of cases on the calendar was 79,800, an average of .300 a day.

Four thousand three hundred special hearings and investigations were conducted in the four upstate offices.

In New York City, 29,500 cases were heard on the regular daily calendar, 8,625 of which represented the reappearance of cases adjourned one or more times for further hearings.

The tables below reflect the activities of the medical division:

	July 1, 1916, to June 30, 1917	October 1, 1915, to June 30, 1916	July 23, 1914, to September 30, 1915
Physical examinations of claimants, including re-examinations.....	10,190	7,167	7,550
Opinions rendered on claim papers in disability cases without physical examinations.....	465	215	3,104
Opinions rendered on claim papers in death cases .....	111	45	115
Opinions interpreting X-ray plates.....	296	91	21
No diagnoses.....	103	48	.....
Total.....	975	399	3,240

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**CLASSIFICATION OF PHYSICAL EXAMINATIONS, INCLUDING REEXAMINATIONS**

	July 1, 1916, to June 30, 1917	October 1, 1915 to June 30, 1916	July 23, 1914, to Sept. 30, 1915
Fractures.....	2,854	2,261	2,039
Contusions.....	2,004	1,077	1,175
Infections.....	1,315	906	1,534
Lacerations.....	1,239	989	586
Amputations.....	944	548	768
Burns.....	154	103	94
Miscellaneous.....	1,680	1,283	1,354
	<hr/> <b>10,190</b>	<hr/> <b>7,167</b>	<hr/> <b>7,550</b>

**MONTHLY DETAIL OF PHYSICAL EXAMINATIONS, INCLUDING REEXAMINATIONS, FROM JULY 1, 1916, TO JUNE 30, 1917**

<b>1916</b>		
July.....		599
August.....		593
September.....		614
October.....		897
November.....		878
December.....		809
<b>1917</b>		
January.....		858
February.....		837
March.....		1,102
April.....		1,087
May.....		1,129
June.....		837
Total.....		<hr/> <b>10,190</b>

I recommend that our efficient medical staff be given better quarters. There is at present a good deal of confusion which would be avoidable if the physicians were better protected in their examinations from the importunities of interested parties.

**ESTABLISHMENT OF UP STATE CLAIMS OFFICES**

The end of the fiscal year was the end of the conduct of the offices at Buffalo, Rochester and Syracuse as merely taking care of cases referred to them for hearing or investigation, and witnessed the establishment in each such office of a complete unit to handle all the claims and cases arising within their respective districts. The district of the Buffalo office comprises the counties of Chautauqua, Niagara, Erie, Cattaraugus, Orleans, Genesee, Wyoming and Allegany; the district of the Rochester office comprises the counties of Monroe, Wayne, Ontario, Seneca, Chemung, Tioga, Livingston, Steuben, Schuyler, Yates, Tompkins and

Broome; the district of the Syracuse office comprises the counties of St. Lawrence, Jefferson, Oswego, Onondaga, Cayuga, Herkimer, Cortland, Lewis, Oneida, Madison and Chenango; the district of the Albany office comprises the counties of Putnam, Rockland, Orange, Sullivan, Dutchess, Ulster, Delaware, Greene, Columbia, Warren, Hamilton, Franklin, Rensselaer, Albany, Schoharie, Otsego, Schenectady, Montgomery, Washington, Saratoga, Fulton, Essex and Clinton; the district of the New York office comprises the counties of Westchester, New York, Bronx, Richmond, Kings, Queens, Nassau and Suffolk.

In order to meet this new situation, it became necessary to establish new claims divisions at each of the upstate offices. In doing this I took occasion greatly to modify the former system of handling claims so as to meet all the conditions of the amended law effective July 1, 1917, and so also as to provide the utmost simplicity and dispatch in the handling of business. The system for the various offices down to the minutest detail was completely installed before July first and the new help to some extent was trained for its work. I was able to send from New York and Albany experienced claim examiners so that with a more or less perfect system and under the care of the deputy commissioners of the various offices the new work of the respective districts was taken up with energy and has been discharged with commendable dispatch. It can be said that these various offices are now handling their claims in a perfectly satisfactory manner and that not a murmur of complaint is heard from anybody. Still, their office forces have been scarcely adequate nor have they had sufficient office room, hence the small additional request as shown in the budget for these offices for the ensuing year. It will be but necessary for the members of the Legislature for the respective districts to visit the offices in order to have visible evidences of the necessity of these additional requirements.

#### **EXPENSES OF THE BUREAU**

The last Legislature provided that the expenses of the Compensation Bureau first should be paid out of the moneys appropriated by the Legislature and thereafter assessed upon and collected from each insurance carrier in proportion to the compensation payments of said insurance carriers. In order to make

effective this provision of the law, the Commission in June, 1916, held a conference to which all insurance carriers were invited to agree upon a plan to effect the collection and payment of said expenses and to prevent any later misunderstandings or delays. At that conference it was agreed that expenses should be based upon actual compensation payments (exclusive of medical payments) to be made within the fiscal year and eliminating actuarial values of payments to be made periodically beyond the end of the said year. It was also proposed and agreed to that each carrier should furnish a quarterly report upon oath of a responsible person and that said reports would be acceptable without the checking of every detail or without other checking than might be sufficient to test the general accuracy of said reports. These reports have been collected quarter by quarter and relied upon by the Commission as a sufficient basis for the proportionate distribution of expenses. With respect to the expenses themselves a tentative allocation was prepared by the deputy commissioner in charge and agreed to as satisfactory in determining expenses. It will be sufficient for the purposes of this report to say that the total compensation payments exclusive of medical were \$7,706,334.77, the expenses of the Bureau were \$317,755.90 and that the percentage collection was thus 4.12 per cent of the total payments. This must not be taken to mean the given percentage of premium collections or the given percentage of compensation benefits but only the percentage based upon the current payments of the fiscal year. It is probably true and only the final report of the State Insurance Department and the Chief Statistician of the Commission will determine it, that the Compensation Law is officially administered in New York State for less than one and one-half per cent of premium collections and less than three per cent of compensation benefits. This comparison must prove satisfying to the harshest critics of a compensation plan.

The section of the law which prescribes a report of the Compensation Bureau requires that the report "shall include a statement of the number of awards made by it and the causes of the accidents leading to the injuries for which the awards were made, a detailed statement of the expenses of the Commission, the condition of the State Insurance Fund, together with any other matter

which the Commission deems proper to report to the Legislature, including any recommendations it may desire to make." Such matters thus required which are not touched upon at this time, I am well aware that the Commission, through its secretary, will accumulate from its various divisions and bureaus which under its complex organization have charge of the different activities of the Commission.

**WILLIAM C. ARCHER,**

*Second Deputy Commissioner*

## (a) REPORT OF STATE INSURANCE FUND

*To the Industrial Commission:*

**GENERAL SURVEY**

The condition of the State Fund on December 31, 1917, as compared with the condition at the close of the preceding year may be shown by a few figures. The number of policyholders increased only slightly during the year, from 9,966 to 9,984; and the amount of premiums in force also made only a small gain, from \$797,743.31 to \$810,576.79. In explanation of the slackened rate of growth in 1917, as compared with the increase of business in preceding years, it should be pointed out that the Jensen and Winfield decisions of the United States Supreme Court, which will be discussed later in this report, necessitated the cancellation of a considerable volume of business consisting of maritime and railroad risks, as this decision placed risks of this class beyond the scope of the New York Workmen's Compensation Law and the coverage of the State Fund policy. Notwithstanding this loss of business, the State Fund was able to show for the year a net addition to the number of policyholders and the amount of premiums in force.

The amount of premiums earned during the year 1917 showed a very substantial increase over the figures for the year 1916, from \$2,048,128.91 to \$2,694,851.17. This increase was due mainly to the more systematic auditing of policyholders' payrolls, made possible by the increased appropriation which became available July 1, 1917. Other contributing factors were the accession of new business and the application of a higher scale of rates, adopted April 18, 1917. The new rates were not, however, put into effect on all old business during 1917, as the limitations of the office force made this impossible. The rate increase was applied on approximately one-half of the expirations of June 30, 1917, and the application on the remainder of the business was necessarily deferred until January 1, 1918. Thus the full benefit of the rate increase will not be reflected in the premium income until 1918.

The reserves for losses increased during the year 1917 from \$2,008,228.03 to \$3,020,862.22, and the surplus rose from \$253,179.44 to \$398,682.22. The increase in each case amounted

to over 50 per cent. This large increase in loss reserves and surplus is a notable sign of the growing financial strength of the State Fund.

The loss ratio for the year 1917 was 91.4 per cent, as compared with 92.4 per cent for the preceding year. The extraordinary activity of business, which was mentioned in the last annual report as the main cause of the rising loss ratio, continued to make itself felt in 1917. It should be noted, however, that during the second half of 1917 the loss ratio showed a marked decline. The loss ratio for the first six months of the year was 96.3 per cent; for the second six months it dropped to 77.9 per cent. This falling off in the loss ratio may perhaps be taken as an indication that industry was tending again toward a state of equilibrium after a two-year period of disturbance, or that the downward swing of the economic pendulum had set in. Other causes of the fall of the loss ratio in the second half of 1917 will be pointed out later in this report.

The expense ratio for 1917 was only 7.5 per cent. This contrasts in a striking way with an average expense ratio of 38.6 per cent for the stock companies, and 19.8 per cent for the mutual companies in 1916, as shown by the report of the State Superintendent of Insurance.

#### LOSS RESERVES

The loss reserves of the State Fund are set up on a basis of individual valuations of the liabilities on outstanding claims. The computations are made according to formulae, or rules, devised by the actuarial staff of the State Fund and approved by the State Superintendent of Insurance. Mention should be made here of certain changes in the methods of computing reserves, which the experience of the State Fund showed to be necessary or advisable. In setting up the reserves on each policy period prior to June 30, 1917, an item of "suspended mortality" had been included to provide for deaths which might emerge out of injuries that appeared at first notice not to be fatal. In computing the reserves as of June 30, 1917, this item was omitted, and a new table was adopted for use in setting up reserves on temporary cases, which was specially designed to give adequate allowance for the emergence of both deaths and dismemberments out of temporary disabilities.

The table originally devised for the purpose of computing reserves on temporary cases was compiled before adequate statistical data existed on which to base the computation. An analysis of the progress of the reserves from period to period indicated that under the old table the values were low in those cases in which the time elapsed between the date of accident and the date of valuation was brief, while they were slightly too high, or at least appeared to be more than adequate, for longer durations. The principal reason for the deficiency in the reserves on claims arising during the policy period immediately preceding the date of valuation appears to have been the fact that a large proportion of dismemberment cases did not disclose themselves as such until sometime subsequent to the valuation date and were consequently valued as temporary cases. The modified table adopted June 30, 1917, takes account of this factor and provides a reserve adequate to cover all cases of dismemberment or other permanent disability which disclose themselves after the date of valuation. It also is believed to be adequate to provide for deaths that may emerge out of temporary cases, as it produces a substantial increase in the amount of reserves for recent accidents. The new table was duly approved by the State Superintendent of Insurance.

An examination of the reserves of the State Fund as of June 30, 1916, was made by the State Superintendent of Insurance, acting under the amendment of the Workmen's Compensation Law in 1916, authorizing him to examine into the condition of the State Fund at any time for the purpose of determining the adequacy of the reserves. The examiners of the State Insurance Department made a complete appraisal of all outstanding claims, and computed the amounts of the reserves that would be required to carry all claims to full maturity. The result of this appraisal varied only about one per cent from the amount of the reserves as set up by the State Fund, according to the computations of its actuarial staff. The report of the examination, which has been published as a pamphlet by the State Insurance Department, sums up the findings with respect to the reserves as follows:

It would, therefore, appear that the Fund's June 30, 1916, reserves were, on the whole, approximately adequate, the excess charged by the examiners over the Fund's figures being \$16,327, a difference of only a little more than one per cent.

A test of the adequacy of the loss reserves as set up for June 30, 1917, was made by the actuarial staff of the State Fund by means of a revaluation of the same claims six months later, and the result indicated that the loss reserves as computed under the methods of valuation now followed are amply adequate.

#### **LOSS RATIO**

The loss ratio rose slightly during the first half of the year 1917 and fell sharply during the second half of the year. The main cause of the rise of the loss ratio, which set in about June, 1915, and continued steadily for a period of about two years, was unquestionably the unprecedented activity of business, which produced conditions that naturally led to an increase in the number and severity of industrial accidents. Another factor that was operative throughout this period was the increasingly effective exploitation of the law by the beneficiaries. It is the common experience in workmen's compensation states that the cost rises gradually for perhaps three or four years after the enactment of the law. This phenomenon appears to be due mainly to the psychological response of the workers to the opportunities of the law, which makes itself felt in an increasing degree until the maximum limit is reached.

Other contributory causes of the rise of the loss ratio might be found in certain conditions peculiar to the State Fund. It is likely that the loss ratio of the State Fund was, to some extent, affected adversely by the action of the casualty companies in cancelling business proved by the experience of the first year or two under the Workmen's Compensation Law to be unprofitable. Risks cancelled by the casualty companies for this reason would tend to gravitate toward the State Fund. At the same time, the State Fund was unable, because of lack of an adequate appropriation, to take measures to protect itself against the adverse selection. In general, inability to exercise due discrimination in underwriting by reason of an insufficient office force must be set down as one cause of the rise of the loss ratio. In a similar way, the State Fund was handicapped in other departments of its organization and, in particular, was unable to give proper attention to claim matters and to obtain full payroll reports from policy-holders. In consequence, it was impossible to keep down the loss

payments within the lowest limits and to bring in the full premium income to which the State Fund was entitled. The effect of this handicap was reflected to some extent in the loss ratio.

The decline of the loss ratio in the second six months of the year is doubtless to be attributed to the fact that the causes that had produced the preceding rise ceased to operate, at least to the same degree. It would seem that industry began in 1917 to readjust itself on a more settled basis after the upheaval of 1915 and 1916. At the same time the tendency toward the increase of compensation cost, due to the more effective exploitation of the law by the beneficiaries, would appear to have reached its maximum. In the case of the State Fund, moreover, some relief was afforded by the enforced cancellation of shipping and stevedoring risks in consequence of the Jensen decision, as this business had proved to be generally unprofitable. The falling-off in building and contracting operations also tended to produce a favorable effect upon the loss ratio. Finally, the State Fund was enabled by an increased appropriation for the fiscal year beginning July 1, 1917, to make certain improvements in the organization of the underwriting, claim and payroll auditing divisions, which made possible a more effective control of disbursements and income. The phenomenon of a falling loss ratio is of too recent origin to warrant a complete and positive statement of the causes, but the influences that have been mentioned would seem to be the main factors that brought about the gratifying change in the experience of the State Fund.

#### DIVIDENDS

The policy of withholding dividends in the general groups, which was adopted in consequence of the unfavorable experience in 1916, was continued for the two policy periods of 1917. While the experience improved notably during the second policy period, it was deemed inadvisable to resume the payment of dividends. It should be stated that dividends were credited, as formerly, in the special groups that earned a surplus in 1917.

#### RATE REVISION

A revised schedule of rates for the State Fund was adopted April 18, 1917. In this revision the State Fund followed the

policy adopted in the previous rate revision of September, 1916, adopting the manual rates approved by the State Insurance Department for use of the casualty companies, less a differential of ten per cent. The new rates of the companies, which were put into effect March 31, 1917, were formulated by a committee known as the Augmented Standing Committee on Workmen's Compensation Insurance Rates, which represented the State Insurance Department, the stock and mutual companies and the State Fund. This committee made a general revision of workmen's compensation rates for the entire country, establishing basic pure premiums for use in making rates in all compensation states. The experience developed under workmen's compensation laws in all states was utilized in this revision. A new manual of rates for New York State was issued, based upon the revised pure premiums established by the committee. The average extent of the increase was approximately twenty per cent.

The State Fund adopted the new manual rates, less a differential of ten per cent, as previously stated, with the exception of certain classifications on which lower rates previously in force were retained, as presumably adequate in the light of experience, and of other classifications of an extra-hazardous character on which rates higher than the manual rates of the companies were adopted for the purpose of protecting the State Fund against an excessive influx of undesirable business. The new rates, adopted as of April 18, 1917, were put into effect immediately on new business and on old business in connection with the expirations of June 30 and December 31, 1917. Policyholders were duly notified in advance of the rate changes to be applied on renewal of their contracts.

A further rate increase of five per cent was adopted later by the Compensation Inspection Rating Board upon the recommendation of the National Reference Committee on Workmen's Compensation Insurance and approved by the State Insurance Department for the use of the casualty companies, to take effect as of December 31, 1917. This increase was intended to cover the increase in administrative expenses due to war conditions, including the advance in cost of labor, supplies, postage and taxes. The State Fund did not adopt this five per cent increase, as it was not

affected so directly and immediately by the increase of administrative expenses on account of the war as were the casualty companies for example, in the matter of taxation. The five per cent advance in the company rates and the differential of ten per cent, as applied by the State Fund to the manual rates, put into effect March 31, 1917, leave the rates of the State Fund, in general, about fifteen per cent lower than the rates of the casualty companies.

#### EXPERIENCE RATING

The plan of experience rating put into effect by the Compensation Inspection Rating Board June 30, 1916, remained in force only one year. Although an improvement on the preceding plan, it failed to produce satisfactory results. A new plan of experience rating was proposed by the National Workmen's Compensation Service Bureau, the rate-making organization of the stock companies, but was disapproved by the State Insurance Department. Later an attempt was made to reinstate the plan that was in operation during the year, June 30, 1916, to June 30, 1917, but the proposal was rejected at a general meeting of the Compensation Inspection Rating Board. Regarding the causes that brought about the failure of experience rating in New York State, the Secretary of the Compensation Inspection Rating Board says in his annual report:

It is altogether probable that primarily such failure is due to the fact that in the perfection of experience rating plans it was deemed necessary to arrive at results by compromise. At times the compromise involved views that went deeply into the fundamental principles of insurance. There are quite a number of us who hold to the opinion that experience rating will prove successful in practice only when due recognition is given to the fact that individual experience becomes increasingly important with the size of the risk and that actual instead of artificial experience is the proper standard for appraising the hazard as a foundation for a prospective rate. Nor will be practice of experience rating receive or become entitled to proper recognition until the subject is entirely removed from the realm of competitive discussion and studied from a purely scientific point of view.

The subject of experience rating has been referred by the Rating Board to the National Reference Committee on Workmen's Compensation Insurance, which has appointed a special committee to make a thorough study of the matter and, if possible,

to devise a scientific plan. It is expected that this committee will work out a scheme that will be free from the objections which led to the abandonment of the previous experiments with experience rating.

#### ACCIDENTS AND INSPECTIONS

The accidents reported during the year 1917 numbered 21,609, a slight increase over the total for the preceding year, which was 21,086. The number of compensatable cases was 5,613. The latter total included 174 death cases, 2 permanent disability cases, 592 partial permanent disability cases, and 4,845 temporary total disability cases. Medical aid was furnished in 14,271 cases, at an average cost of \$14.69 per case. The safety engineering division of the State Fund made 1,363 inspections during the year, and the Compensation Inspection Rating Board made 1,352 inspections of State Fund risks.

#### THE JENSEN AND WINFIELD DECISIONS

The decisions of the United States Supreme Court in the cases of Southern Pacific Company v. Marie Jensen and New York Central Railroad Company v. James Winfield, handed down May 21, 1917, had an important effect upon the business of the State Fund. In the Jensen case the Court reversed an award of compensation that had been made to the widow of a stevedore, killed while operating a freight truck on a vessel, holding as follows:

Exclusive jurisdiction of all civil cases of admiralty and maritime jurisdiction is vested in the Federal District Courts, "saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it." The remedy which the Compensation Statute attempts to give is of a character wholly unknown to the common law, incapable of enforcement by the ordinary processes of any court and is not saved to suitors from the grant of exclusive jurisdiction.

In the Winfield case the Court refused to approve an award of compensation made by the Commission to a section laborer, who had sustained an injury resulting in the loss of the use of an eye, holding as follows:

It is settled that under the commerce clause of the Constitution Congress may regulate the obligation of common carriers and the right of their employees arising out of injuries sustained by the latter where both are

engaged in interstate commerce; and it also is settled that when Congress acts upon the subject all state laws covering the same field are necessarily superseded by reason of the supremacy of the national authority. Congress acted upon the subject in passing the Employers' Liability Act. " \* \* \* That the act is comprehensive and also exclusive is distinctly recognized in repeated decisions of this court." \* \* \* Only by disturbing the uniformity which the act is designed to secure and by departing from the principle which it is intended to enforce can the several states require such carriers to compensate their employees for injuries in interstate commerce occurring without negligence. But no state is at liberty thus to interfere with the operation of a law of Congress.

The essential purport of these decisions was that the New York Workmen's Compensation Law does not apply to employees engaged in maritime operations and interstate commerce and that the remedy of the employee in the event of injury is in each case governed exclusively by the Federal Statutes. As the New York State Fund is authorized to insure only the liability for compensation under the New York law, which, according to the decisions of the court, does not apply to employers operating vessels and railroads engaged in interstate commerce, the effect of the decisions was obviously to terminate or nullify the coverage under the State Fund policy, with respect to employees subject to the exclusive jurisdiction of the Federal Laws and Courts. The class of employees thus removed from the scope of coverage under the State Fund policy embraced all employees on vessels, including stevedores, and practically all employees on railroads. Consequently, policies of the State Fund covering maritime and railroad risks were cancelled as of the date of the governing decisions, May 21, 1917, and a *pro rata* refund of the amount of premium covering the remainder of the unexpired policy term was made in each case.

The application of the Jensen decision to the case of employees of dry dock and repair companies was a matter of much doubt. Opinions varied widely as to the extent to which employees of this class were affected by the decision. The uncertainty in this respect led to the cancellation of many of the policies covering dry dock and repair companies, as the latter naturally desired protection on the admiralty liability, so far as it existed in connection with their operations, and could not obtain such coverage from the State Fund. The total loss of business

on account of the United States Supreme Court decisions amounted to approximately \$150,000 in semi-annual premiums.

It should be added that legislation was promptly enacted by Congress to remedy the unfortunate situation created by the Jensen decision and to restore to employees engaged in maritime operations the remedy provided by State workmen's compensation laws. The Johnson bill, which became a law October 6, 1917, confers upon state workmen's compensation commissions jurisdiction in all admiralty cases. This legislation, however, does not abolish the admiralty jurisdiction; it merely gives an injured employee subject to that jurisdiction the option of claiming compensation or of bringing action in the federal courts. The effect of the Jensen decision was to take away from employees this option, which had formerly been recognized, and to make the admiralty jurisdiction exclusive. The new legislation simply restores the option and establishes jurisdiction for State workmen's compensation commissions side by side with the admiralty jurisdiction. It may be pointed out here that an employee having such option will ordinarily and, indeed, almost surely, elect to claim compensation with its certain, speedy and inexpensive remedy, in preference to the uncertain, slow and expensive alternative of a suit in the federal courts.

#### LEGISLATION

The situation created by the Jensen and Winfield decisions calls attention to the need of an amendment of the law extending the coverage under the State Fund policy to include admiralty liability or any other incidental liability arising in connection with injuries to employees outside of the Workmen's Compensation Law. It is unfair to employers that they should not be able to secure such collateral coverage in the State Fund. Employers insured in the State Fund ought not to be forced to withdraw and pay the higher rates charged by the casualty companies because of inability of the State Fund to guarantee coverage on admiralty or other extra-compensation liability.

At present the State Fund policy covers only liability under the Workmen's Compensation Law. For an employer operating wholly within the State and not carrying on any operations that

come within the admiralty jurisdiction, the liability for compensation is exclusive and the coverage of the State Fund policy is complete. But liability under the Federal statutes or the laws of other states cannot be covered by the State Fund policy. This limitation is a serious handicap to the State Fund. Many employers desiring to insure with it are deterred from doing so through fear that some action for damages may be successfully maintained by an injured employee. The representatives of the casualty companies make effective use of the argument that the State Fund cannot defend a suit and pay damages if an action is brought by an employee claiming damages outside the Workmen's Compensation Law. Even when all the operations of the employer are clearly within the scope of the Workmen's Compensation Law, he may still be disturbed by apprehension that some claim for damages may conceivably arise that would not be covered by the law. The amendment of 1916 permitting an employer to elect to accept the law for all his employees and thus bring them squarely under its provisions has afforded some relief to the State Fund in meeting the argument of the casualty companies with respect to the alleged incompleteness of coverage under its policy, but the State Fund will always be at a disadvantage in this respect until it is authorized by law to issue a policy guaranteeing defense of suits and the payment of damages in actions brought by injured employees at common law, under the Federal statutes or under the laws of other states.

It is due the employers of the State to authorize the State Fund to give them complete protection beyond the possibility of being cast in damages through injuries to employees, and it is due to the State Fund to relieve it of the present handicap which gives an unfair competitive advantage to the private companies.

Another matter that should receive the consideration of the Legislature is relief of the State Fund from the present restrictions of the budgetary system. In the last annual report the manager urged the importance of granting the State Fund an annual appropriation amply adequate to meet the changing requirements of a competitive business enterprise. Further experience and reflection have convinced him of the advisability of relieving the State Fund entirely of the necessity of restoring to a Legislative appropriation for the payment of management expenses.

The State Fund is entirely self-supporting; every dollar expended for administrative purposes must be refunded to the State Treasury at the end of each fiscal year. The premium income is the source from which the management expenses finally come. There is no sound reason why these expenses should not be paid in the first instance directly from this source, instead of being first advanced out of the state treasury and then refunded out of the premium income.

The present arrangement under which the State Fund is financed out of a legislative appropriation is cumbersome and unbusinesslike. It necessitates the preparation of the budget for the State Fund months in advance of the beginning of the fiscal year and prevents any departure from the rigid limits of the budget to meet any emergency, however urgent. No business can be conducted with the highest degree of economy and efficiency under such a fiscal régime. It should be recognized that the State Fund is different from the ordinary State department in two respects: it is a competitive business enterprise, subject as such to a check on expenditures, which must be kept within proper limits if the business is to survive and develop, and it is entirely self-sustaining, the expenses being paid by its policyholders and not by the taxpayers at large. The State Fund, therefore, should be given at least some of the flexibility in financial organization which is enjoyed by well-organized private companies.

F. SPENCER BALDWIN,  
*Manager, State Insurance Fund.*

**COMPARATIVE STATEMENT OF BUSINESS OF STATE INSURANCE FUND**

	Six months ended Dec. 31, 1914	Twelve months ended Dec. 31, 1915	Twelve months ended Dec. 31, 1916	Twelve months ended Dec. 31, 1917
Number of policyholders.....	7,125	8,507	9,966	9,984
Premiums in force.....	\$689,764 94	\$674,973 64	\$797,743 31	\$810,576 79
Net premiums written.....	689,764 94	1,293,612 75	2,048,128 91	2,694,851 17
Earned premiums.....	645,154 02	1,269,432 61	2,045,925 52	2,681,376 01
Expenses incurred.....	82,446 57	193,232 97	188,020 08	*200,000 00
Expense ratio to earned premium	13%	15.2%	9.2%	7.5%
Losses and loss reserve.....	\$393,572 12	\$820,652 96	\$1,890,229 34	\$2,448,465 00
Loss ratio to earned premium..	60.0%	64.6%	92.4%	91.4%
Dividends allowed.....		\$347,541 45	\$240,084 74	\$150,420 83
Investments.....	538,937 50	1,050,824 91	1,854,642 50	2,680,155 00

\* Estimated.

## FINANCIAL STATEMENT OF STATE INSURANCE FUND DECEMBER 31, 1917

ASSETS	
Investments.....	\$2,680,155 00
Cash in bank.....	382,517 83
Accrued interest.....	34,780 48
Policyholders' accounts.....	<u>656,808 34</u>
Total.....	<u>\$3,754,261 65</u>
LIABILITIES	
Reserve for losses.....	\$3,020,862 22
Reserve for deferred claim expense.....	90,625 87
Reserve for unearned premiums.....	108,109 28
Reserve for expenses.....	<u>135,982 06</u>
	<u>\$3,355,579 43</u>
Surplus.....	<u>398,682 22</u>
Total.....	<u><u>\$3,754,261 65</u></u>

## INCOME AND DISBURSEMENTS FOR TWELVE MONTHS ENDED DECEMBER 31,

1917

## INCOME

Net premium income.....	\$2,694,851 17
Interest income:	
Interest received on investments.. \$88,635 01	
Accrued interest on investments	
Dec. 31, 1917..... 32,171 66	
Total interest on investments..... \$120,806 67	
Less — Accrued interest on investments Dec. 31, 1916... \$23,973 74	
Accrued interest on bonds acquired..... 6,447 28	
	<u>30,421 02</u>
Net interest earned on investments.....	\$90,385 65
Interest received on deposits.... \$5,966 84	
Accrued interest on deposits Dec.	
31, 1917..... 2,608 82	
Total interest on deposits..... \$8,575 66	
Less — Accrued interest on deposits, Dec. 31, 1916..... 822 70	
Net interest earned on deposits.....	<u>7,752 96</u>
Total interest income.....	\$98,138 61
Miscellaneous income:	
Profit on sale of bonds..... 885 72	
Total income.....	<u>\$2,793,875 50</u>

## 158 NEW YORK STATE DEPARTMENT OF LABOR

INCOME AND DISBURSEMENTS FOR TWELVE MONTHS ENDED DECEMBER 31,  
1917 — *Continued*

## DISBURSEMENTS

Losses paid:	
Medical.....	\$209,192 80
Temporary total disability.....	506,284 19
Permanent total disability.....	1,376 50
Permanent partial disability.....	15,363 90
Dismemberment.....	280,553 04
Death — dependency.....	111,813 70
Death — funeral expenses.....	17,826 88
Total losses paid.....	\$1,142,411 01
Profit and loss charges.....	236 23
Administration expenses, year ended June 30, 1917.....	165,224 10
Increase in reserves:	
For losses.....	\$1,012,634 19
For deferred claim expense.....	30,379 03
For unearned premiums.....	13,475 16
For uncollectible policyholders' accounts.....	30,320 94
For expenses.....	37,507 98
Gross increase in reserves.....	\$1,124,317 30
Decrease in reserve for loss payment suspense.....	47 38
Total increase in reserves.....	<u>1,124,269 92</u>
Total disbursements and increase in reserves.....	<u>\$2,432,141 26</u>
Surplus earned twelve months ended Dec. 31, 1917.....	361,734 24
Surplus December 31, 1916.....	253,179 44
Less decrease in value of investments, twelve months ended Dec. 31, 1917.....	<u>\$614,913 68</u>
Dividends allowed, twelve months ended Dec. 31, 1917.....	150,420 83
Surplus Dec. 31, 1917.....	<u>\$398,682 22</u>

## REPORT OF THE INDUSTRIAL COMMISSION, 1917 159

## INVESTMENTS OWNED BY STATE INSURANCE FUND AS OF DECEMBER 31, 1917

DESCRIPTION	INTEREST		DATE OF MATURITY	PAR VALUE	BOOK VALUE	RATE TO OBTAIN MARKET VALUE	MARKET VALUE
	DATE	RATE					
New York City, No. 210, V. 16 and No. 211, V. 16.....	J. & S.	4%	3/1/64	\$125,000.00	\$160,076.13	101	\$160,350.00
City of Brooklyn, Brooklyn Bridge.....	J. & S.	5%	7/1/59	175,000.00	178,537.50	100	175,000.00
City of Brooklyn, water supply.....	M. & N.	4%	3/1/64	150,000.00	149,025.00	101	150,500.00
New York City.....	M. & N.	4%	5/1/59	108,000.00	104,865.00	99	105,940.00
New York City.....	M. & N.	4%	5/1/59	5,000.00	4,868.75	98	4,900.00
New York City.....	M. & N.	4%	11/1/56	37,000.00	35,982.50	99	36,260.00
New York City.....	M. & S.	5%	5/1/59	25,000.00	23,906.25	98	24,500.00
New York City.....	M. & S.	3/1/64	25,000.00	24,906.25	101	25,250.00	
New York City.....	M. & S.	6/1/55	50,000.00	50,592.50	102	51,000.00	
New York City.....	J. & D.	4%	9/1/60	20,000.00	20,531.25	101	20,200.00
New York City.....	J. & D.	6%	6/1/65	80,000.00	80,837.50	103	83,000.00
New York City.....	J. & D.	6%	9/1/20	2,000.00	2,143.00	106	2,020.00
Town of North Hempstead.....	M. & S.	5%	9/1/21	2,000.00	2,143.00	102	2,040.00
Town of North Hempstead.....	M. & S.	5%	9/1/22	2,000.00	2,143.00	103	2,060.00
Town of North Hempstead.....	M. & S.	5%	9/1/23	2,000.00	2,143.00	103	2,080.00
Town of North Hempstead.....	M. & S.	5%	9/1/24	2,000.00	2,143.00	104	2,100.00
Town of North Hempstead.....	M. & S.	5%	9/1/25	2,000.00	2,143.00	104	2,120.00
Town of North Hempstead.....	M. & S.	5%	9/1/26	2,000.00	2,143.00	104	2,140.00
Town of North Hempstead.....	M. & S.	5%	9/1/27	2,000.00	2,143.00	105	2,160.00
Town of North Hempstead.....	M. & S.	5%	9/1/28	2,000.00	2,143.00	105	2,180.00
Town of North Hempstead.....	M. & S.	5%	9/1/29	2,000.00	2,143.00	106	2,200.00
Town of North Hempstead.....	M. & S.	5%	9/1/30	2,000.00	2,143.00	106	2,220.00
Town of North Hempstead.....	M. & S.	5%	9/1/31	2,000.00	2,143.00	106	2,240.00
Town of North Hempstead.....	M. & S.	5%	9/1/32	2,000.00	2,143.00	107	2,260.00
Town of North Hempstead.....	M. & S.	5%	9/1/33	2,000.00	2,143.00	107	2,280.00
Town of North Hempstead.....	M. & S.	5%	9/1/34	2,000.00	2,143.00	107	2,300.00
Town of North Hempstead.....	M. & S.	5%	9/1/35	2,000.00	2,143.00	107	2,320.00
Town of North Hempstead.....	M. & S.	5%	9/1/36	2,000.00	2,143.00	107	2,340.00
Town of North Hempstead.....	M. & S.	5%	9/1/37	2,000.00	2,143.00	107	2,360.00
Town of North Hempstead.....	M. & S.	5%	9/1/38	2,000.00	2,143.00	107	2,380.00
Town of North Hempstead.....	M. & S.	5%	9/1/39	2,000.00	2,143.00	107	2,400.00
Town of North Hempstead.....	M. & S.	5%	9/1/40	2,000.00	2,143.00	107	2,420.00
County of Westchester.....	J. & J.	4%	1/1/51	20,000.00	21,876.00	107	21,400.00
County of Westchester.....	J. & J.	4%	1/1/52	20,000.00	21,900.00	107	21,400.00
County of Westchester.....	J. & J.	4%	1/1/53	20,000.00	21,924.00	107	21,400.00
County of Westchester.....	J. & J.	4%	1/1/54	20,000.00	21,946.00	107	21,400.00
County of Westchester.....	J. & J.	4%	1/1/55	20,000.00	21,968.00	106	21,400.00
County of Niagara Falls.....	J. & J.	4%	1/1/56	10,000.00	11,006.65	106	10,500.00
County of Niagara Falls.....	J. & J.	4%	1/1/57	10,000.00	11,034.46	106	10,500.00
City of Mt. Vernon.....	M. & N.	5%	2/53	5,000.00	5,517.84	106	6,200.00
City of Mt. Vernon.....	M. & N.	5%	2/53	10,000.00	11,172.12	107	10,700.00
City of Mt. Vernon.....	M. & N.	5%	2/54	20,000.00	22,372.00	107	21,400.00
City of Mt. Vernon.....	M. & N.	5%	2/54	20,000.00	22,388.00	107	21,400.00
City of Batavia.....	J. & J.	1/1/35-36	48,000.00	50,000.00	51,000.00	101	48,450.00
City of Batavia.....	J. & J.	1/1/35-36	16,000.00	16,688.80	102	16,200.00	
City of Batavia.....	J. & J.	1/1/35-36	4,600.00	4,688.10	101	4,645.00	
City of Batavia.....	J. & J.	1/1/35-36	1,600.00	1,662.70	102	1,630.00	

## INVESTMENTS OWNED BY STATE INSURANCE FUND AS OF DECEMBER 31, 1917 — (Concluded)

DESCRIPTION	INTEREST RATE		DATE OF MATURITY	PAR VALUE	BOOK VALUE	RATE TO OBTAIN MARKET VALUE	MARKET VALUE
	DATE	RATE					
City of Niagara Falls.....	J. & J.	4 1/2	1/1/51-52	\$8,000	\$8,311.73	105	\$8,400.00
County of Erie.....	J. & J.	5 1/4-46	5/1/43-46	75,000	76,849.88	98	73,500.00
City of New York.....	M. & N. S.	5 1/2	1/1/62	15,000	15,999.85	101	15,300.00
City of Mt. Vernon.....	M. & N. S.	5 1/2	1/1/50	40,000	42,542.80	103	41,200.00
City of Yonkers.....	M. & O. O.	6 1/2	1/1/33-30	31,000	32,166.44	101	31,000.00
City of Bronx.....	A. & C. O. S.	6 1/2	1/1/31-36	119,000	123,477.46	101	120,190.00
New York City.....	A. & C. O. S.	4 1/2	1/1/30	200,000	206,736.00	100	200,000.00
New York City.....	A. & C. O. S.	1980-86	1980-86	85,000	89,843.38	101	87,150.00
New York City.....	A. & C. O. S.	1980-86	1980-86	200,000	205,499.70	101	194,340.00
City of Yonkers.....	A. & C. O. S.	1941-54	1941-54	24,000	24,000.00	100	41,400.00
City of Yonkers.....	A. & C. O. S.	1921-25	1921-25	41,000	41,722.42	100	48,880.00
City of Little Falls.....	J. & D.	4.85	6/13/29	10,000	10,763.00	104	10,400.00
City of Little Falls.....	J. & D.	4.85	6/13/30-32	30,000	32,289.00	105	31,500.00
City of Little Falls.....	J. & D.	4.85	6/13/33-34	20,000	21,526.00	105	21,000.00
City of New York.....	J. & J.	7	1/1/67	100,000	101,625.00	106	106,000.00
United States of America's Liberty Loan.....	N. J. S.	3 1/2	1947	60,000	60,000.00	100	60,000.00
Nassau County.....	N. J. S.	4 1/2	9/1/26	50,000	50,550.00	104	52,000.00
City of Yonkers.....	A. & C. O. S.	5 1/2	4/1/23	10,000	10,315.20	104	10,400.00
City of Niagara Falls.....	A. & C. O. S.	4 1/2	4/1/27	26,000	26,789.41	100	26,000.00
County of Clinton.....	J. & J.	5	1/2/27	2,000	2,089.18	102	2,000.00
County of Clinton.....	J. & J.	5	1/2/27	4,000	4,196.04	102	4,196.04
County of Clinton.....	J. & J.	5	1/2/29	3,000	3,171.87	105	3,171.87
County of Clinton.....	J. & J.	5	1/2/30	4,000	4,244.64	105	4,244.64
County of Clinton.....	J. & J.	5	1/2/31	4,000	4,259.56	105	4,259.56
County of Clinton.....	J. & J.	5	1/2/32	4,000	4,273.76	105	4,273.76
County of Clinton.....	J. & J.	5	1/2/33	4,000	4,287.44	100	4,287.44
United States of America's 2d Liberty Loan (part of \$100,000 sub.)	M. & N. S.	4 1/2	1/1/42	60,000	60,000.00	100	60,000.00
City of Albany.....	M. & N. S.	4 1/2	1/1/22-23	60,000	7,482.98	102	51,000.00
City of Cohoes.....	M. & N. S.	4 1/2	1/1/18	7,500	7,500.00	100	7,500.00
City of Cohoes.....	M. & N. S.	5	1/1/19	7,500	7,414.13	100	7,414.13
City of Cohoes.....	M. & N. S.	5	1/1/20	7,500	7,500.00	100	7,500.00
City of Cohoes.....	M. & N. S.	5	1/1/21	7,500	7,381.80	102	7,381.80
City of Cohoes.....	A. & C. O. S.	12	1/1/20	40,000	40,732.32	102	40,800.00
City of Yonkers.....	A. & C. O. S.	12	1/1/20	10,000	10,113.70	105	10,113.70
City of Mt. Vernon.....	A. & C. O. S.	12	1/1/20	30,000	30,653.70	105	30,653.70
City of Mt. Vernon.....	A. & C. O. S.	12	1/1/21	30,000	30,800.10	102	30,800.10
City of Yonkers.....	A. & C. O. S.	12	1/1/22	50,000	51,275.50	102	51,000.00
					\$2,634,000.00	\$2,634,816.71	....

**PART V**

**REPORT OF BUREAU OF MEDIATION AND  
ARBITRATION**

[161]



## **REPORT OF THIRD DEPUTY COMMISSIONER**

### **IN CHARGE OF BUREAU OF MEDIATION AND ARBITRATION**

*To the Industrial Commission:*

I have the honor to submit the following report of the operations of this Bureau for the year beginning July 1, 1916, and ending June 30, 1917.

The number of industrial disputes recorded in this year is 234, as compared with 328 recorded during the nine months ending June 30, 1916. These figures show a marked decrease in the number of disputes occurring in the latter period but make the year covered by this report one notable for the number and importance of strikes occurring in this state.

The disputes occurring in this period involved directly 144,951 persons and indirectly 18,376, and resulted in the loss of 2,600,335 days of working time by the employees involved. The disputes recorded in the period covered by the last report of the Bureau involved directly 222,325 persons and indirectly 31,629 persons, and the loss of time arising therefrom was 9,581,163 working days.

It may properly be mentioned in this connection that it has been customary in the reports of this Bureau, and of other bureaus of a like character, to speak of the number of days' continuance of a strike as a measure of the wages lost to the employees, and also as indicating in a way the economic loss to the employer. It is the experience of this Bureau, however, that while the total of lost working days reported does show the seriousness of the strike in loss to the worker and employer, it is not an exact estimate of the real loss to either. During the continuance of a strike, the Bureau has frequently observed that many strikers have obtained temporary employment from another firm or person than the one involved in the dispute, returning to the old position upon settlement of the dispute, and it has also often occurred that one department of an industrial concern may be tied up temporarily by a strike, while the other departments continue in absolutely normal operation, without lessening of the production

of the plant as a whole. The great majority of industrial disputes, however, result in material loss both to the employer and employee, and affect injuriously a community in which they occur.

Of the strikes reported in this period, 163 arose out of a demand for an increase of wages, and one arose from a reduction of wages. Demand for recognition of union was a cause of strikes in 22 cases. Demand for shorter hours of labor led to 16 strikes in this year and strikes in two instances occurred as a result of the employer requiring longer hours of work from employees. Twenty-two strikes occurred because of the employment or discharge of particular persons in plants and 8 occurred on account of working arrangements or conditions.

Out of the total of 234 strikes recorded during this period, 62 were successful; 75 were partly successful and 97 were lost to the strikers. In the period covered by the last report, 120 were successful; 99 were partly successful and 109 were lost out of a total of 328. A comparison of these figures shows that a smaller proportion of the strikes were successful in the later period than in the earlier, and that not far from the same proportion were partly successful or compromised in both periods. A larger percentage of the strikes occurring in the year ending June 30, 1917, were lost to the strikers than in the period ending June 30, 1916.

The comparative results of strikes in these two periods are possibly explainable in this way:

Beginning with the month of January, 1916, there was a general tendency in the state toward marked increase of wages. In many cases greater wages were given voluntarily by employers and in other cases strikes resulted in higher wages. Practically all classes of workers in the state had benefited by increase of pay. Demands continued to come, however, from the workers for still greater increases, which last demands industrial conditions would not permit to be granted, so that this larger proportion of strikes failed in this period.

During the year covered by this report, the Bureau received 25 requests for intervention. Intervention by the Bureau occurred in 69 disputes. Conferences were arranged in 45 cases. Three disputes were settled by the Bureau without arranging conferences. Thirty-nine disputes were settled by the Bureau by mediation in this period.

One inquiry into the cause of a strike was ordered to be made by the Industrial Commission, the strike in this case being that of motormen and conductors on the United Traction Company lines at Albany, which strike was settled by the Bureau.

The industries in which the greatest number of strikes occurred during this period were as follows: Metals, machines and conveyances trades, 62; building industry, 33; transportation, 27; textiles, 22; food, liquors and tobacco, 16; clothing, millinery etc., 14; leather and rubber goods, 13; stone, clay and glass products, 10.

The greatest loss of time through industrial disputes occurred in transportation. A strike of motormen, conductors and guards employed upon trolley, elevated and subway lines in and about New York City, involving about 11,739 men, occurred in September, 1916, and continued during the months of September, October, November and December, 1916. This strike interfered seriously with traffic in and around New York City for some time but did not stop traffic upon any line in New York City at any time. This was the most serious strike during the year in point of time lost by strikers, amounting to 760,713 days. This strike was lost by the employees. A total of 27 strikes in transportation industries resulted in the loss of 785,697 days' time. Strikes in this industry were those of teamsters, track laborers on railways, employees of trolley lines, freight handlers, boatmen and cartmen. There were involved in strikes in transportation a total of 18,576 employees.

Fourteen strikes in the clothing and millinery trades resulted in the loss of 578,660 days' time and involved 63,761 employees. The most serious strike in this industry, involving 40,000 clothing workers, started December 13, 1916, and ended January 3, 1917, resulting in the loss of 400,000 days' time. This strike was successful, resulting in an increase of wages and shorter working hours.

On January 10, 1917, 7,000 shirt and waist makers struck for an increase of wages and shorter hours. The result was a compromise by which wages were increased. This strike caused the loss of 103,600 days' working time. Both of these strikes occurred in New York City. Strikes in these industries occurred in Rochester, Kingston, Glens Falls, Albany and Utica.

Sixty-two strikes in the metals, machines and conveyances trades involved 26,191 workers and resulted in the loss of 423,761 working days' time. Strikes in these industries occurred in New York City, Brooklyn, Troy, Niagara Falls, Dunkirk, Auburn, Schenectady, Watertown, Cohoes, Buffalo, Batavia, Newburgh, Rochester, Olean, Utica, Jamestown, Syracuse and minor strikes in other sections of the state. In the important strikes in this line, this Bureau intervened with success in securing, or in aiding to secure, adjustments satisfactory to all parties involved.

A strike of potmen employed in the manufacture of aluminum occurred at Niagara Falls on January 30, 1917, involving 600 men and arose out of demand for increase of wages. The Bureau intervened and took part in the negotiations of the parties and assisted in bringing about a settlement of the dispute, by which the men were given a part of their demands.

One hundred and fifty machinists, engaged in ammunition shell making, struck in Brooklyn on January 31 for a wage increase. The Bureau's agents intervened and arranged a conference which led to a settlement. The men returned to work after four days' continuance of the dispute.

On August 10, 1916, 839 machinists and specialists, engaged in locomotive work at Dunkirk, struck for an increase of wages. Intervention by the Bureau led to a settlement, after the strike had continued six days, by which the men received an increase of wages; another strike of molders and helpers involving 266 men, engaged in locomotive building, occurred at the same place in April and lasted five days. The Bureau also intervened in this strike and made a settlement. This strike was for increase of wages and resulted in a compromise.

A serious strike involving 4,000 machinists engaged in electrical manufacturing, occurred at Schenectady on June 18, lasting eight days. Intervention by the Bureau led to a settlement of this strike after joint conferences by the parties involved, and a conference by representatives of the Bureau with the Executive Board of the machinists at Washington, D. C.

In the building industry, a total of 33 strikes occurred which involved 21,030 people and resulted in the loss of 260,281 days. These strikes occurred in most of the principal cities of the state.

In New York City on October 2, 1916, 3,000 hod carriers struck for union recognition. This strike also involved 6,000

brick layers. The strike failed, the places of the employees being largely filled by new men, and ended October 20. The Bureau intervened in this strike without success, as the employers were unwilling to recognize the union, because of the employers' ability largely to fill the places of the strikers. This strike resulted in the loss of 90,000 days' time to those involved.

On March 23, 1917, 1,150 men employed in the house wrecking industry in New York struck for a wage increase. By intervening, the Bureau arranged a conference in this dispute, which conference led to a compromise settlement by which the men received part of the increase demanded.

A strike of carpenters in Niagara Falls involved 540 men and began on April 1, 1917. This strike resulted from a demand for increase of wages. The dispute was submitted to arbitration, the men's demands being awarded by the decision of the arbitrators. This strike ended April 14 and resulted in the loss of 6,480 days' time.

On May 1, 1917, at Buffalo, 600 carpenters struck for an increase of wages. The loss of time varied with the different men involved in this dispute, the total loss of time amounting to 23,400 days. Settlements were made at various times, with the employers involved, by which the increase of wages demanded was given.

In Albany, 1,905 men in the building trades struck on May 1 for an increase of wages. Investigation by the Bureau showed that negotiations were being carried on by the parties involved which negotiations led to a settlement after ten days' continuance of the dispute. This strike resulted in the loss of 15,240 days' time.

In the leather and rubber goods industry, a total of 13 strikes occurred involving 4,625 workers and resulting in the loss of 145,026 days' time. The most important of these strikes was one of 3,000 leather workers engaged in the manufacture of fancy leather goods which occurred on August 30, 1916, and ended October 16, 1916. The demands of the strikers were for union recognition and 10 per cent increase of wages. The strike failed and, at its end, the strikers returned to work. Intervention by the Bureau failed to accomplish anything in this strike as the employers would not confer with their employees on strike, or make any offer of settlement. This strike resulted in the loss of 117,000 working days' time.

Twenty-two strikes occurred in the textile industries involving 4,721 persons and resulting in the loss of 144,464 working days' time. The most serious strike in this industry occurred at New York Mills on July 18, 1916, and involved 874 carders, spinners and others directly and 511 other persons indirectly. This strike was for an increase of wages of 25 per cent. A conference was arranged by the Bureau and finally an offer of an increase of wages to employees of the plant was obtained by a representative of the Bureau from the employer amounting to 10 per cent, which increase was accepted by the strikers. The strikers had all returned to work on October 24, 1916. The loss of time in this strike was 82,614 days. Strikes in this industry occurred at Newburgh, Perry, Cohoes, Amsterdam, Gloversville, Spring Valley, New York City, Olean, Watertown, Mt. Vernon and minor ones in other sections of the state.

In the wood manufactures' industry, five strikes occurred, only two of which were of importance. In Buffalo, 1,397 car repairers struck for advance of wages on February 28, which strike lasted one month and failed. In New York City, 600 wooden box makers struck on September 5 for reduction of hours of work and recognition of union. The strike was compromised after ten days, the strikers' hours of labor being reduced. A total of 2,215 employees in these strikes lost 21,599 days' time.

In the paper and pulp industry, seven strikes occurred involving 804 employees and resulting in the loss of 25,997 days of working time.

Sixteen strikes occurred in food, liquors and tobacco industries involving 5,652 employees and resulting in the loss of 88,200 days' time.

In the printing and paper goods industry, four strikes occurred during the period covered by this report, the most serious of which was that of 1,500 paper box makers employed by different firms in New York City. This strike occurred on August 15 and lasted twenty-seven days. It arose out of demands for increased wages, shorter hours of labor and union recognition. The strike failed. A total of 1,910 employees involved in these strikes in this industry lost 41,860 days' time.

In trade, etc., six strikes occurred, which involved 6,950 employees and resulted in the loss of 44,084 days' time.

In other lines of industry, a few strikes occurred, mostly of little importance. The time lost in these last mentioned strikes and the number of strikes occurring in these industries not heretofore given in this report appear in the tables which appear hereinafter.

The tables attached hereto and made a part of this report will furnish figures for comparison with previous years and also indicate the strikes in which the Bureau intervened in this year.

F. B. THORN,

*Third Deputy Commissioner.*

## COMPARISON OF INTERVENTIONS, 1916-1917

	1916†	1917*
Number of disputes in which intervention occurred.....	96	60
Number of requests received for intervention.....	27	25
Number of disputes in which intervention was successful.....	52	39
Number of disputes in which intervention was unsuccessful.....	44	30
Number of interventions before strikes.....	2	5
Number of disputes in which conferences were arranged.....	58	45
Number of disputes settled by mediation with parties separately.....	2	3
Number of disputes settled by arbitration.....	2	2
Number of public investigations conducted.....	2	.....

## COMPARISON OF DISPUTES, 1914-1917

	1914	1915	1916†	1917*
Number of strikes and lockouts.....	123	104	328	234
Employees involved { directly.....	61,182	53,855	222,325	144,951
indirectly.....	3,716	2,407	31,629	18,376
Aggregate days of working time lost.....	\$1,426,118	\$868,838	9,581,163	2,000,335

## TRADES AFFECTED

	NUMBER OF DISPUTES		NUMBER OF WORKING DAYS LOST	
	1916†	1917	1916†	1917*
1. Stone, clay, glass products.....	18	10	52,319	17,200
2. Metals, machines, conveyances.....	85	62	1,155,583	423,761
3. Wood manufacturers.....	8	5	23,465	21,590
4. Leather and rubber goods.....	17	13	45,758	145,026
5. Chemical, oils, paints, etc.....	4	9	5,478	5,803
6. Paper and pulp.....	5	7	10,453	25,997
7. Printing and paper goods.....	2	4	1,143	41,860
8. Textiles.....	27	22	211,788	144,464
9. Clothing, millinery, etc.....	17	14	7,124,366	578,664
10. Food, liquors, tobacco.....	14	16	61,989	88,200
11. Water, light, power.....	4	.....	8,487	.....
12. Building industry.....	38	33	715,076	260,281
13. Transportation.....	76	27	98,130	785,697
14. Trade.....	5	6	11,921	44,084
15. Hotels, restaurants, etc.....	3	2	50,120	9,180
16. Professions.....	.....	1	.....	1,500
17. Public employment.....	5	3	5,087	7,010

## PRINCIPAL CAUSE OR OBJECT OF DISPUTES

	NUMBER OF DISPUTES		NUMBER OF WORKING DAYS LOST	
	1916†	1917	1916†	1917*
Increase in wages.....	270	163	3,385,321	1,474,530
Reduction in wages.....	.....	1	.....	336
Shorter hours.....	13	16	68,142	39,608
Longer hours.....	.....	2	.....	2,195
Trade unionism.....	26	22	6,121,382	877,133
Particular persons.....	4	22	1,405	202,734
Working arrangements.....	5	8	2,721	3,799
Payments of wages.....	3	.....	792	.....
Sympathetic.....	1	.....	200	.....
Miscellaneous.....	6	.....	1,200	.....

\* Particulars of interventions in 1917 are given in the table which is appended to this report.

† For nine months' period from October 1, 1915, to June 30, 1916.

‡ To end of all disputes.

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RESULTS OF DISPUTES

	NUMBER OF DISPUTES	
	1916†	1917
Strikes successful.....	120	62
Strikes partly successful.....	99	75
Strikes lost.....	109	97

METHOD OF SETTLEMENT OF STRIKES WON OR COMPROMISED

	NUMBER OF DISPUTES	
	1916†	1917
Direct negotiations between parties.....	156	93
Mediation by State Bureau.....	54	34
Mediation by other agencies.....	8	9
Arbitration.....	1	1

† For nine months period from October 1, 1915, to June 30, 1916.

## TABULAR SUMMARY OF INTERVENTIONS

LOCALITY	Trade involved	Date of strike (actual or threatened)	Number of employees affected	Date of intervention
Albany.....	Motormen and conductors.....	Oct. 2, 1916	1,011	Oct. 2-4, 1916
Albany.....	Teamsters.....	Jan. 1, 1917	400	Jan. 4, 1917
Albany.....	Lye and lime packers.....	April 2, 1917	150	April 3, 1917
Albany.....	Lye and lime packers.....	May 21, 1917	150	May 23, 1917
Albany.....	Chemical manufacturing.....	June 18, 1917	53	June 23, 1917
Auburn.....	Auto parts manufacturing.....	April 29, 1917	622	May 9, 1917
Auburn.....	Machinists.....	June —, 1917	79	July 2, 1917
Buffalo.....	Machinists.....	Feb. 12, 1917	79	Mar. 13, 1917
Buffalo.....	Metal workers.....	Mar. 21, 1917	100	Mar. 24, 1917
Buffalo.....	Carpenters.....	May 1, 1917	550	May 12-19, 1917
Dunkirk.....	Locomotive industry.....	Aug. 10, 1916	839	Aug. 14, 1916
Dunkirk.....	Foundry laborers.....	April 14, 1917	285	April 16, 1917
Glen Cove.....	Leather belting manufacturing	Dec. 4, 1916	115	Dec. 12, 28, 29, 1916
Gloversville.....	Silk weaving.....	July 14, 1916	30	July 27, 1916
Jamestown.....	Furniture manufacturing.....	Mar. 23, 1917	24	April 19, 1917
Jamestown.....	Metal trim manufacturing.....	May 10, 1917	400	May 24, 1917
Lockport.....	Paperboard manufacturing.....	Aug. 15, 1916	200	Aug. 18, 1916
New York — All Boroughs.	Shirt manufacturing.....	Jan. 10, 1917	2,500	Dec. 22, 1916— Jan. 10— Feb. 15, 1917*
New York and vicinity.....	Motormen and conductors.....	July 22-Aug. 15, 1916	7,283	July 15-Aug. 5, 1916
New York-Brooklyn.....	Tin can manufacturing.....	Aug. 28, 1916	120	Sept. 13, 1916
New York-Brooklyn.....	Leather belting manufacturing	Nov. 6, 1916	88	Nov. 11, 1916
New York-Brooklyn.....	Sugar refining.....	Jan. 24, 1917	1,050	Jan. 25, 1917
New York-Brooklyn.....	Shell manufacturing.....	Jan. 31, 1917	150	Feb. 25, 1917
New York-Brooklyn.....	Sugar refining.....	Feb. 27, 1917	300	Feb. 28, 1917
New York-Brooklyn.....	Textile weaving.....	April 11, 1917	164	May 2, 1917
New York-Brooklyn.....	Shoe manufacturing.....	May 17, 1917	65	May 23, 1917
New York-Brooklyn.....	Cork cutting.....	May 24, 1917	80	May 31, 1917
New York-Manhattan.....	Paper box making.....	Aug. 15, 1916	1,500	Aug. 16, 1916
New York-Manhattan.....	Dress and waist m'g.....	Aug. 17, 1916	300	Sept. 7, 1916
New York-Manhattan.....	Barbers.....	Aug. 22, 1916	5,000	Aug. 23, 1916
New York-Manhattan.....	Leather goods manufacturing.....	Aug. 30, 1916	3,000	Aug. 30, 1916
New York-Manhattan.....	Tobacco workers.....	Sept. 12, 1916	1,800	Sept. 20, 1916
New York-Manhattan.....	Delivering milk.....	Sept. 24, 1916	476	Sept. 23-28, 1916
New York-Manhattan.....	Messenger service.....	Oct. 31, 1916	600	Nov. 1, 1916
New York-Manhattan.....	Grocery stores.....	Nov. 3, 1916	180	Nov. 9, 1916
New York-Manhattan.....	Clothing manufacturing.....	Dec. 13, 1916	40,000	Dec. 2-23, 1916*
New York-Manhattan.....	Taxi chauffeurs.....	Jan. 10, 1917	450	Jan. 11, 1917
New York-Manhattan.....	House wrecking.....	Mar. 23, 1917	1,150	April 4-12, 1917*
New York-Manhattan.....	Hotel cooks and assistants.....	April 8, 1917	300	April 13, 1917
New York-Manhattan.....	Teamsters.....	May 17, 1917	1,200	May 19, 1917
New York-Queens.....	Copper smelting.....	Mar. 5, 1917	1,700	Mar. 6, 1917
New York-Queens.....	Cigar making.....	Oct. 2, 1916	600	Oct. 23, 1916
New York-Queens.....	Macaroni manufacturing.....	Oct. 14, 1916	120	Oct. 21, 1916
New York-Queens.....	Sugar refining.....	Jan. 26, 1917	350	Jan. 26-Mar. 7, 1917
New York-Queens.....	Flash light manufacturing.....	June 4, 1917	540	June 5, 1917
New York-Queens.....	Agate ware manufacturing.....	Threatened	1,700	July 20, 28, 1916
New York-Queens.....	Agate ware manufacturing.....	Threatened	1,700	Sept. 30, 1916
New York-Queens.....	Agate ware manufacturing.....	Threatened	1,200	Oct. 30, 1916

\* Interviewed on several occasions between above dates.

FROM JULY 1, 1916, TO JUNE 30, 1917

Result of intervention	Result of strike
Resulted in agreement to arbitrate question in dispute.	Union not sustained.
Conference arranged; settlement resulted; intervention requested.	Wages increased and agreement signed for three years.
Conference arranged; settlement resulted; intervention requested.	Wages increased; Saturday half holiday with pay.
Conference arranged; settlement resulted.	Wages increased; compromised.
Conference arranged; settlement resulted.	Strike won; wages increased, hours reduced.
Conference arranged; settlement resulted.	Compromised; wages increased 15 per cent.
Conference arranged, settlement resulted.	Compromised.
Conference arranged; settlement resulted; intervention requested.	Strike lost.
Conference refused.	Strike lost.
Conference refused; intervention requested.	Strike won.
Conference refused.	Wages increased, hours reduced.
Conference arranged; agreement signed; intervention requested.	Compromised; men returned to work on promise that demands would be considered.
Conference arranged; settlement resulted; intervention requested.	Wages increased.
Conference arranged; settlement resulted; agreement accepted.	Strike lost.
Conference refused; intervention requested.	Strike lost.
Conference refused.	Strike lost.
Conference refused.	Strike lost.
Conference refused.	Compromised; wages increased.
Conference arranged; no results.	Strike lost.
Conference arranged; settlement resulted.	Compromised; wages increased.
Conference arranged; settlement resulted.	Agreement signed; wages increased.
Conference arranged; no result.	Strike lost.
Conference arranged; settlement resulted; intervention requested; offer made through Bureau's agent accepted by strikers.	Compromised.
Conference refused; strikers places filled.	Strike lost.
Conference arranged; settlement resulted; intervention.	Strike won.
Conference refused.	Strike lost.
Conference arranged; settlement resulted; intervention requested.	Compromised; wages increased.
Conference refused.	Strike lost.
Conference refused.	Strike lost.
Conference arranged; settlement resulted.	Strike won; agreement signed.
Conference refused.	Strike lost.
Conference arranged; settlement resulted.	Strike won.
Conference arranged; settlement resulted.	Compromised; wages increased.
Conference arranged; settlement resulted.	Compromised; wages increased.
Conference refused.	Strike lost.
Conference refused; conference arranged later through other parties.	Strike won; wages increased; hours reduced.
Conference arranged; settlement resulted.	Compromised.
Conference arranged; settlement resulted; intervention requested.	Compromised; wages increased; agreement signed.
Conference arranged; settlement resulted.	Compromised.
Conference arranged; settlement resulted; intervention requested.	Strike won.
Conference arranged.	Strike lost.
Conference arranged; settlement resulted.	Strike won.
Conference refused.	Strike lost.
Conference refused.	Strike lost.
Conference arranged; settlement resulted.	Compromised.
Conference arranged; referred to arbitrators; intervention requested.	Compromised; strike averted.
Conference arranged; settlement resulted; intervention requested.	Demands granted; agreement signed; strike averted.
Conference arranged; settlement resulted; intervention requested.	Compromised; strike averted.

## TABULAR SUMMARY OF INTERVENTIONS

LOCALITY	Trade involved	Date of strike (actual or threatened)	Number of employees affected	Date of intervention
New York—Queens.....	Agate ware manufacturing.....	Jan. 8, 1917	1,600	Jan. 8-Mar. 15, 1917*
New York Mills.....	Yarn manufacturing.....	July 18, 1916	245	Aug. 3, 1916
New York Mills.....	Textile weaving.....	July 18, 1916	1,375	Aug. 2-Sept. 18, 1916
Niagara Falls.....	Aluminum workers.....	Feb. 1, 1917	600	Feb. 4-Mar. 9, 1917
Niagara Falls.....	Laborers.....	Mar. 3, 1917	220	Mar. 11, 1917
Olean.....	Machinists.....	Feb. 1, 1917	197	Jan. 30, 1917
Piermont.....	Cardboard manufacturing.....	Aug. 16, 1916	183	Aug. 28-Dec. 21, 1916*
Port Chester.....	Carpenters.....	May 1, 1917	150	May 8-22, 1917*
Poughkeepsie.....	Cigar making.....	July 21, 1916	35	July 31, 1916
Poughkeepsie.....	Button manufacturing.....	Feb. 23, 1917	75	Mar. 9, 1917
Rochester.....	Building laborers.....	April 3, 1917	2,000	May 3, 1917
Saratoga.....	Machinists and others.....	May 2, 1917	62	May 8, 1917
Schenectady.....	Patternmakers.....	April 21, 1917	113	April 28, 1917
Schenectady.....	Machinists.....	June 18, 1917	4,000	June 18, 1917
Spring Valley.....	Silk weaving.....	Aug. 15, 1916	200	Sept. 6, 1916
Troy.....	Rail joint manufacturing.....	July 3, 1916	260	July 6, 1916
Troy.....	Valve manufacturing.....	April 1, 1917	410	April 10, 1917
Troy.....	Sheet metal workers.....	April 1, 1917	40	April 11, 1917
Troy.....	Machine works.....	April 16, 1917	98	April 27, 1917
Utica.....	Garment manufacturing.....	Feb. 6, 1917	532	Feb. 19, 1917
Watertown.....	Motormen and conductors.....	June 18, 1917	42	June 26, 1917

\* Interviewed on several occasions between above dates.

FROM JULY 1, 1916, TO JUNE 30, 1917 — (Concluded)

Result of intervention	Result of strike
Conference arranged, no result.....	Strike lost.
Conference arranged; settlement resulted.....	Compromised; wages increased. Compromised.
Conference arranged; settlement resulted.....	Compromised.
Conference refused; settlement resulted through media- tion of Bureau's agents.	Compromised.
Conference refused; settlement resulted through media- tion of Bureau's agents.	Compromised.
Conference refused; intervention requested.....	Strike lost.
Conference refused.....	Strike lost.
Conference arranged; settlement resulted.....	Partly successful.
Conference arranged; intervention requested; no results..	Strike lost.
Conference arranged; intervention requested; no results.	Strike lost.
Conference refused.....	Strike lost.
Conference arranged; no results; intervention requested.	Strike lost.
Conference refused; intervention requested.....	Strike lost.
Conference arranged; settlement resulted; intervention requested.	Strike lost.
Conference arranged; settlement resulted.....	Compromised; wages increased.
Conference arranged; no result.....	Strike lost.
Conference arranged; settlement resulted.....	Compromised; wages increased.
Conference arranged; settlement resulted; intervention requested.	Compromised; wages increased and agreement signed.
Conference arranged; settlement resulted.....	Compromised; wages increased 15 per cent and hours reduced.
Conference arranged; settlement resulted; intervention requested.	Compromised; wages increased.
Conference refused; intervention requested.....	Strike lost.



**PART VI**

**REPORT OF BUREAU OF STATISTICS AND  
INFORMATION**

**[177]**



## REPORT OF CHIEF STATISTICIAN

In charge of Bureau of Statistics and Information

*To the Industrial Commission:*

The following is submitted for the purpose of the annual report concerning the Bureau of Statistics and Information for the year ended June 30, 1917, as required by section 46 of the Labor Law.

### WORK ACCOMPLISHED

The function of this Bureau is the collection, preparation and furnishing by publication or correspondence of statistical and other information. Years ago when the Bureau was established, an annual report constituted the sole means of presenting the results of its work to the public, in accordance with the general practice of other similar bureaus in those times. Since then, experience both here and elsewhere has demonstrated that for such a bureau the best vehicle for furnishing the fruits of its work is to be found in the form of bulletins which offer the great advantages over an annual report, of earlier and more timely publicity, more adaptable and convenient form of publications, and, in the long run, greater economy.

Attention is called to this development here for the particular purpose of pointing out that under it an annual report for this Bureau devoted to recounting work done would be largely, if not wholly, superfluous, because the main results accomplished by the Bureau in the last fiscal year have already been presented in the several bulletin publications which it issued during the year. So far, therefore, as the requirement of Section 46 of the Labor Law of an annual "report of the operation" of each bureau in the Department is to be interpreted as calling for a presentation of work accomplished, such requirement may reasonably be regarded as substantially fulfilled by the Bureau's current publications which now comprise the following series:

1. The Bulletin. Issued monthly as the official organ of the Commission.

2. **The Labor Market.** Issued monthly in accordance with section 66-o of the Labor Law.
3. **Special Bulletins.** Issued from time to time as prepared.  
(See list published monthly on third cover page of The Bulletin.)
4. **Annotated Laws.** Two pamphlets issued annually containing the Labor Law and Industrial Code, and the Workmen's Compensation Law.

In justice to the Bureau it should be noted that the publication of the foregoing does not cover all the accomplished work of the year. To complete the list of activities the following lines of work must be added: Statistical compilations prepared for other bureaus in the Department; information service to other bureaus, and to outsiders by conference and correspondence, for which service the Bureau's large and valuable library of documents and literature relating to all subjects with which the Department deals is an important adjunct; editing of the annual report of the Department and supervision of its printing; editing and supervision of printing of the proceedings of the State Industrial Safety Congress; supervision of the Department mailing lists and of the distribution of publications; furnishing of duplicates of monthly employment returns to the Federal Bureau of Labor Statistics; and participation on committees or in conferences relating to interstate standardization of accident statistics and employment bureau statistics, and to industrial education in New York City.

#### LEGISLATIVE RECOMMENDATIONS

But a historical chronicle of activities is far from covering all that may be signified by the requirement of Section 46 of the Labor Law for a "report of the operation" of the Bureau. On the contrary, it is reasonable to infer that it is within the intent of that section, and would seem to be the most useful purpose of it, to afford an opportunity for recording or discussing in the light of practical experience, facts or recommendations bearing upon prospective or needed developments. Particularly apropos for such a report are any matters deemed to call for legislative action, and accordingly certain such matters are here presented.

**Organization and Functions of Bureau**

The first matter to which attention is called in this connection is the need of amending the sections of law regulating the organization and functions of this Bureau as contained in Sections 62, 63 and 64 of Article 5 of the Labor Law.

The sections should be rewritten in order to make them better adapted to present exigencies of the work which naturally falls to such a bureau at the present time and under the present form of organization of the Department, and to make them more consistent with the present law regulating the Department. As they now stand they are a patchwork made up of various additions and changes at different times during more than thirty years which attempt to define subjects of work and organization in detail in a manner inherited from the statutes which regulated the Bureau when it was an independent State office. The result has been that both as to work and organization the Commission has found it necessary to depart from the terms of the law, so that at present the statute specifically requires certain work and divisions in the Bureau, which have been abandoned or changed. Furthermore certain parts of these sections have become superfluous or their object is better covered by provisions in the law of 1915 establishing the Industrial Commission.

The obvious remedy is to redraft the sections specifying only an outline of organization, functions and objects, and leaving it to the Commission to develop or regulate details of work and organization from time to time as experience and public needs demonstrate their desirability, in accordance with the present Commission plan of administration of the Department. I recommend that this be done by the amendments of Sections 62, 63 and 64 of Article 5, indicated in the following draft, old matter to be omitted being in brackets and new matter in italics:

Section 62. Bureau of statistics and information. The bureau of statistics and information[,] shall be under the immediate charge of a chief statistician, but subject to the direction and supervision of the [commissioner of labor] *industrial commission*.

Section 63. Divisions[; duties and powers.—1]. The bureau of statistics and information shall have [five divisions as follows: general labor statistics; industrial directory; industrial accidents and diseases; special investigations; and printing and publication. There shall be such other divisions in such bureau as the commissioner of labor may deem advisable.]

*such divisions as may be deemed necessary by the commission.* [Each of the said divisions shall, subject to the supervision and direction of the commissioner of labor and of the chief statistician, be in charge of an officer or employee of the department of labor designated by the commissioner of labor; and each of the said divisions, in addition to the duties prescribed in this chapter, shall perform such other duties as may be assigned to it by the commissioner of labor.] *Each division shall, subject to the supervision and direction of the commission and of the chief statistician, be in charge of a chief of division, or of such other employee of proper qualifications as the commission may designate therefor.*

[2. The division of general labor statistics shall collect, and prepare statistics and general information in relation to conditions of labor and the industries of the state.

3. The division of industrial directory shall prepare annually an industrial directory for all cities and villages having a population of one thousand or more according to the last preceding federal census or state enumeration. Such directory shall contain information regarding opportunities and advantages for manufacturing in every such city or village, the factories established therein, hours of labor, housing conditions, railroad and water connections, water power, natural resources, wages and such other data regarding social, economic and industrial conditions as in the judgment of the commissioner would be of value to prospective manufacturers, and their employees. If a city is divided into boroughs the directory shall contain such information as to each borough.

4. The division of industrial accidents and diseases shall collect and prepare statistical details and general information regarding industrial accidents and occupational diseases, their causes and effects, and methods of preventing, curing and remedying them, and of providing compensation therefor.

5. The division of special investigations shall have charge of all investigations and research work relating to economic and social conditions of labor conducted by such bureau.

6. The division of printing and publication shall print, publish and disseminate in such manner and to such extent as the commissioner of labor shall direct, such information and statistics as the commissioner of labor may direct for the purpose of promoting the health, safety and well being of persons employed at labor.

7. The commissioner of labor may subpoena witnesses, take and hear testimony, take or cause to be taken depositions and administer oaths.]

*Section 64. The bureau of statistics and information shall collect and prepare such statistics and other information, from the records of the department, from reports collected for the purpose, or from other sources, for the use of the commission or for publication, as may be directed by the commission, it being the policy and intent of this section that the commission shall have full and accurate information relating to the operation and effect of the laws which it administers, the means of promoting the ends sought by those laws, and other matters concerning which the commission may deem it desirable that information shall be available for its own guidance, the guidance of the legislature, or for public information.*

*The bureau shall prepare or edit, and shall issue, such publications, and furnish information otherwise, as may be directed by the commission.*

[Section 64. Information to be furnished upon request. The owner, operator, manager or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine shop or other manufacturing establishment, or any agent, superintendent, subordinate, or employee thereof, and any person employing or directing any labor affected by the provisions of this chapter, shall, when requested by the commissioner of labor, furnish any information in his possession or under his control which the commissioner is authorized to require, and shall admit him or his duly authorized representative to any place which is affected by the provisions of this chapter for the purpose of inspection. A person refusing to admit such commissioner, or person authorized by him, to any such establishment, or to furnish him any information requested, or who refuses to answer or untruthfully answers questions put to him by such commissioner, in a circular or otherwise, shall forfeit to the people of the state the sum of one hundred dollars for each refusal or untruthful answer given, to be sued for and recovered by the commissioner in his name of office. The amount so recovered shall be paid into the state treasury.]

I submit the following explanations or comments on the changes proposed:

Section 62. No change is proposed except substitution of "industrial commission" for "commissioner of labor." This change, made in the other sections also, simply brings the wording of the statute into conformity with its present intent.

Section 63. First and second sentences. The change leaves establishment of divisions entirely, instead of partly, to the Commission. This will only accord with what has been found practically necessary. At present one division (industrial directory) directed by law has been abolished, and another (printing and publication) has been transferred to another bureau.

Section 63. Third sentence. The change simply provides a standard title for the heads of divisions but leaves the same elasticity as before as to designation of a head with different title when desirable. The provision of such a standard title conforms to what has been found desirable in practice and to what is common in the law relating to divisions in other bureaus. The latter part of the sentence, relating to duties, is covered below.

Section 63. Subdivisions 2 to 6. With the change above proposed leaving establishment of all divisions to the Commission, specification of duties for any particular division is naturally out

of place. The fundamental reasons for substituting an outline of functions and objects with full discretion with the Commission as to details, as proposed, in place of particulars for specified subjects as now, are given above in the considerations relating to the entire article. For the sake of clearness and better form it would be desirable to make a new section relating to duties to be numbered 64 in place of present 64 to be repealed as recommended below.

Section 63, subdivision 7, and Section 64. It is proposed to drop these. Both provisions relate to power to secure information. Both are amply and more appropriately covered by the powers specified in Sections 43 and 51 of the Labor Law, which relate to the powers of the Commission, and section 1275 of the Penal Law.

#### **Reporting of Industrial Diseases**

In the second place attention is called to section 65 which is the only other section besides 62, 63 and 64 in Article 5. This section relates to the reporting of occupational diseases by physicians. It is out of place, however, in the article relating to this Bureau for two reasons. In the first place, the section does not relate to the organization or functions of this Bureau which are the subject of the article. It simply prescribes a duty for physicians in the state precisely like the duty of reporting accidents laid upon employers elsewhere in the law. In the second place, if it were to be retained in any article relating to the organization or functions of a particular bureau, it would belong more properly with the portion of law relating to the Division of Industrial Hygiene. The fundamental purpose of such reporting is to enable the Department to learn where such diseases occur in industry so as to make investigation with a view to providing means for their prevention. Such statistical information as these reports afford is only incidental. At the time the section was enacted there was no provision for the Division of Industrial Hygiene whose function is precisely the kind of investigation work which such reporting is designed to aid. In fact, ever since that division was established, this Bureau has simply acted as receiver of the reports and turned them over to that division for investigation. So far as any statistical information to be gotten

from the reports is concerned that would not be affected by the transfer of the section, the situation being precisely like the reporting of accidents now. However, as above indicated, such a section ought not to be added to any article dealing with department organization and the really logical place for it is in Article 2 of the Labor Law which is the one made up of various unrelated provisions which do not properly go anywhere else in the law. It is recommended, therefore, that it be transferred to that article.

The substance of Section 65 should be amended, also, and that in two respects. As it now reads it lays the duty of reporting on individual medical practitioners. Experience shows that it is highly desirable to specify that this duty devolves upon physicians in hospitals and dispensaries as well as elsewhere. Also it is believed that the time is now here to require the reporting of all occupational diseases, instead of limiting reporting to only a few specific diseases. This would only be in accord with the progress in knowledge and standards which has been made in this field since section 65 was originally enacted.

To carry out the above ideas this section should be amended as follows:

Section [65] 21. Industrial poisonings or diseases to be reported. Every medical practitioner attending on or called in to visit a patient, whether in the patient's home, in a hospital, dispensary, or elsewhere, whom he [believes] has reason to believe to be suffering from [poisoning from lead, phosphorous, arsenic, brass, wood alcohol, mercury or their compounds or from anthrax or from compressed air illness contracted as the result of the nature of the patient's employment] the effects of any poisonous or harmful substance with which the patient's occupation brings him in contact, or from the effects of the kind, or conditions, of work of the patient, shall send to the commissioner of labor a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, with such other and further information as may be required by the said commissioner.

#### Reporting of Accidents

In the third place, the provisions of law regarding the reporting of industrial accidents are in need of revision.

Sections 20-a, 87 and 126 of the Labor Law. These are the old sections (applying respectively to buildings, factories, and mines, quarries and tunnels) which required reporting of accidents prior to the Compensation Law. They are practically identical in their

requirements. Section 111 of the Compensation Law also requires reporting of accidents. It applies to all of the industries covered by the sections in the Labor Law and to many others also. It also covers everything in those sections which is essential as to recording and reporting of accidents. Whether in the technical legal sense section 111 supersedes the other sections or not, it has in practice been so regarded and accidents are now required to be reported only under that section, and this is preferable from every point of view. Since the older sections are no longer necessary, therefore, and for the sake of clearness and simplicity in the law, I recommend that they be repealed.

Section 111 of the Compensation Law. It would help to standardize reporting of accidents so as to promote uniform practice by different employers if this section were amended by incorporating in it the standard definition of a reportable accident which is now generally recognized by those who have studied the matter as the soundest and clearest rule for the purpose. We have been applying this rule here in New York by printing it on the back of the report blank furnished by the Bureau of Compensation. That it is not yet being uniformly followed, however, is quite evident and it is well worth while to use every means to push as much as possible, acquaintance with it. Its insertion in the law itself, while not affecting what is actually being required, would help toward the desired end. For this purpose, therefore, I recommend that the section be amended as follows:

Section 111. Record and report of injuries by employers.— Every employer shall keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within ten days after the occurrence of an accident [resulting in personal injury] *causing death, permanent disability, or loss of time other than the balance of the day, turn, or shift on which the accident occurred or which requires any medical attendance,* a report thereof shall be made in writing by the employer to the commission upon blanks to be procured from the commission for that purpose. Such report shall state the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employee, the time, nature and cause of the injury and such other information as may be required by the commission. An employer who refuses or neglects to make a report as required by this section shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars.

**WORK DISCONTINUED**

At the beginning of the fiscal year 1916-17, the Bureau was confronted with a situation in which some rearrangement of its program of work was absolutely necessary, first because of new possibilities of work then apparent and second because of a change in available resources. The latter element is indicated by the fact that salary appropriations for the Bureau were \$3,600, or over 6 per cent less for the year 1916-17 than for the year 1915-16. In such a situation it was obviously impossible to continue all former lines of work and at the same time handle adequately new work which ought to be done. Perforce, therefore, it was necessary to select out of old and possible new lines those which were most important and devote available resources exclusively to these.

In making such a selection of work three principles should guide. First, as between work whose results will serve immediate practical purposes as distinguished from historical or theoretical study, the preference should be given to the former. Second, as between subjects connected with the administrative work of the Department and others of general public interest, the former should take precedence. Third, where differences in dependability of material and possible accuracy of results are a consideration, selection of work should be made with a view to the highest possible accuracy of results.

The selection of work made in the light of these principles resulted in the discontinuance of three lines of work previously carried. While due primarily to the practical necessities of the situation, it was felt that their elimination, by opening the way for the substitution of more important for less important work, could fairly be regarded as making for progress. Not that some of the work dropped might not be worth while if the state were prepared to provide larger resources, but that they were clearly among the less essential lines of possible work. These three lines of work discontinued were the following.

*Compilation of Industrial Directory.* The dropping of this was on the ground that it involved a cost of labor to prepare and in expense to print and distribute, which was out of proportion to its value outside of business advertising purposes. To judge from

experience with directories previously issued, probably 80 to 90 per cent of the demand for it was to promote business advertising. This leaves but a small value (and that not a very direct one) for the more legitimate purposes of the work of this Department.

In this connection, attention should be called to the fact that in not preparing a directory, subdivision 3 of section 63 of the Labor Law, which directs such work annually, is being ignored or modified. It may be remarked, however, that lack of appropriation to carry out any direction of law is practically a repeal of that direction. It can fairly be said, that after other and more important duties of this Bureau equally specified by law, are performed there is no appropriation available for preparation of an industrial directory.

*Trade Union Returns.* Here it was not mainly a question of breaking off work kept up until last year. The fact is, that since 1914 returns from trade unions, which had been collected regularly for a number of years before that, had had to be discontinued for the most part to make way for other more valuable work. The reason for discontinuance of these returns, more specifically, is that as compared with other lines of work they do not measure up as well to any of the three standards above referred to which should determine choice of work, that is, practical utility as distinguished from historical interest, relation to the special problems with which the administrative work of the Department is connected, and accuracy of the data which can be secured. Another point to be considered here is that from the point of view of the Department as an agency of the whole state, just as in its administrative work it is concerned with the welfare of all employees without distinction of organized or unorganized, so here first consideration should be given to statistics relating to the condition of, or which are significant for the welfare of, wage earners in general. From this point of view, statistics securable from trade unions must be regarded as not so important as those more representative of all wage earners.

*Monthly returns from private employment offices.* These were collected during the year 1915-16 partly as an experiment. The twelve months' returns received afforded some information as to how much is being done by private offices in general, but they also

indicate that it is not worth while to continue such reports regularly at present. Further consideration of this matter will be found in connection with the subject of the Labor Market Bulletin below.

#### PRESENT SITUATION AND NEEDED DEVELOPMENTS OF CERTAIN LINES OF WORK

##### Accident Statistics

It is exceedingly unfortunate that the work in statistics of accidents reported, or compensated under the Workmen's Compensation Law, has had to continue through the year in a backward state, in spite of the fact that such work has been given just so far as possible, right of way over other lines to the extent of devoting to it a large amount of time of other divisions besides that of the Division of Accidents. This has been due to a totally inadequate force to carry forward that work as it should have been done.

In the report for 1915 attention was called to the fact that the compilation of accident statistics under the Compensation Law, which fell logically to this Bureau under the consolidation of departments in that year, involved a heavy increase in work to be done currently, with such work at that time practically a year in arrears, but that no increase in the force was made to meet that situation. Experience very soon forcibly revealed the fact that such a situation was bound to largely block any plans for adequate study of New York experience, which in many ways is the most important in any state, and an effort was made in the budget for 1916-17 to secure the addition of five clerks for this particular work. Unfortunately, however, the Commission's recommendations along this line were not adopted. What added to the discouragement of this result was the fact that the net result of the effort was an actual reduction of \$3600 in the salary budget of the Bureau. So great was the need of the additional clerks for accident work felt to be at the time, that it was proposed to substitute such clerks for two higher positions not in the Division of Accidents which happened to be vacant at the moment the budget was under consideration. Both those positions were needed for other work, but the substitution was felt to be justified in the

absence of any other prospect of relief, as a desperate attempt to increase the clerical force a little so as to make better speed at catching up on accident tabulations. The result of this effort made in entire good faith was, however, only to have those vacant positions eliminated entirely, thus weakening the forces in two other divisions to that extent, and leaving the accident division just where it was before. For 1916-17, therefore, there was nothing to do but push on with the accident work as well as could be done with a force previously demonstrated to be far from adequate.

But looking ahead, it is to be noted that in the budget for 1917-18 substantial relief has been secured by the addition of ten new clerical positions so that the prospect for the future is far more encouraging, though with the best that could be done in 1916-17 there is still a problem of catching up, as well as keeping up, on this work.

The conditions outlined above have resulted in a present situation (November, 1917) as to the work in accident statistics as follows. The compilations of the compensated accidents in the first year under the Compensation Law, that is, from July 1, 1914, to June 30, 1915, will be completed in the near future. The compilations of the second year's compensated accidents are well under way and it is hoped will be completed during the year 1917-18. In addition much work has been done on more recent compensated accidents in the process of bringing up the work to the point of current handling of cases as they are acted upon by the Bureau of Workmen's Compensation, or as the records of experience on them are completed by that Bureau.

Thus far it has been impossible to do anything with non-compensated cases, that is, those causing disability of not over two weeks' duration. It is still uncertain when the work can be broadened to cover that material. That it should be covered there can be no question, and its lack thus far is a most unfortunate result of the inadequate resources for this work above noted. All that can now be stated is that it will be taken up as soon as possible.

The statistics for the first year have been compiled under classifications made up by this Bureau which while similar in many respects to those which, in the interest of interstate uniformity, have been recommended by the Statistical Committee of the International Association of Industrial Accident Boards and

Commissions (on which committee this Bureau is represented), were prepared before those of that committee had been completed. It has been possible, however, to follow as far as could be done with New York material, the table forms recommended by that Committee, in the first year's compilations. For accidents after the first year both the classifications and the table forms of the Committee have been adopted as the basis for our statistics.

The most serious departure which we have had to make from the tables recommended by the Committee has been with respect to accident rates for frequency and severity. Such rates of the standard type recommended by the Committee it has been impossible to produce for New York experience because of the lack of necessary data as to exposure, either for number of employees or for pay roll. In view of the fact that accident rates are the sole or most important means of accurate information on some of the most fundamental points, such for example as the question of whether accidents are increasing or decreasing, or comparison of experience in different industries, our present inability to produce them is deplorable. But the necessary data for such rates does not come to the Commission automatically under the present law and method of administration, and their collection for this particular purpose would be a task which can not be compassed with the present resources available for this work.

From the foregoing it will be seen that the two chief developments in the work in accident statistics which must be attained if New York is to maintain the best standards, are tabulation of non-compensated accidents and the securing of data for accident rates.

#### The Labor Market Bulletin

The publication of this Bulletin was begun in October, 1915, to carry out the direction of section 66-o of the Labor Law, which prescribes that this Bureau shall publish such a bulletin "in which shall be made public all possible information with regard to the state of the labor market."

Thus far, the material in this Bulletin has been confined almost entirely to the subject of amount of employment. The principal data presented on this subject are special returns from representative manufacturers as to total employees and total wages paid,

these representing the simplest measure of amount of employment and being at the same time usually recorded by employers or easily obtainable from their payrolls. I do not hesitate to affirm both as a matter of individual judgment and as indicated by the demand for this information and comments received about it, that these returns both in accuracy and in significance are much more valuable than any previous data on this subject in this State. As time goes on they will greatly increase in value as comparative figures for several years accumulate, affording material not only as to current conditions but as to general fluctuations in employment.

But while the Labor Market Bulletin in its present scope has proven its value and usefulness, it is obvious that it does not yet attain either all that is implied by the provision of law directing it, or all for which there is a genuine public need and demand. As soon as resources will permit, its scope should, therefore, be enlarged. This should be done in three directions which in brief are the following: First, the information as to amount of employment should be extended to cover other lines of industry so far as possible, as adequately as manufacturing is now covered. In the second place, since the condition of any market can be fully indicated only by information as to prices as well as amount of business, the Labor Market Bulletin should present data as to the course of wages as well as amount of employment. In the third place, because in order to show the course of wages it is necessary to indicate the relation between money wages and cost of living, that is, real wages, the Labor Market Bulletin should present data as to prices.

Such a development of the Labor Market is entirely feasible and depends on just one condition, namely, resources to provide the necessary force to add this work to that now in hand. It may not be amiss to point out, in view of the desirability of such a development, that the cutting out in the budget for 1916-17 of one of the most important positions in the Division of General Labor Statistics, which does the work on the Labor Market Bulletin, contrary to the Commission's recommendation, was far from an encouraging step.

In connection with the subject of the Labor Market Bulletin, there is one item of experience which, although negative in results

for that publication, affords some light on a source of information therefor which Section 66-p of the Labor Law was specifically intended to provide. To that end it is directed by that section that every private employment agency "shall keep a register of applicants for work and applicants for help in such form as may be directed by the Industrial Commission in order to afford the same information as that supplied by State offices. Such register shall be subject to inspection by the Industrial Commission and information therefrom shall be furnished to it at such times and in such form as it may require."

When the Labor Market Bulletin was established an effort toward utilizing this source of information was made. A blank form was drafted in consultation with the Bureau of Employment whereon was to be reported data as to applicants for work, workers called for, and positions filled corresponding to those recorded by the State offices. These forms were sent at the beginning of each month to as complete a list of private employment offices in the State as could be secured, with instructions to record the required information daily and return the form at the close of the month. The collection of these returns as completely as the resources of the Bureau would permit (chiefly by correspondence supplemented by some field work) was continued for a year and then, as previously noted, discontinued. From the outset, these reports were regarded as partly experimental, and twelve months' experience served to demonstrate that what could be secured by this method under existing conditions was not worth while for the purposes of the Labor Market Bulletin.

The experience with these returns left some question as to how significant they would be even if based on dependable records. But it served far more to demonstrate the difficulty of securing uniformity and accuracy in such returns. It is perfectly certain that returns of this sort to be worth while at all would require an amount of supervision of the methods and records of each office away beyond the present resources of this Bureau for such work. In my judgment, based on our experience as above noted, probably the only, and certainly the most effective, method to secure such supervision would be a system of state control, by registration and licensing, of all private offices.

I am speaking here entirely from the point of view of statistics and information. There are other and broader considerations, of course, bearing upon the question of state control of private employment offices, but it is not necessary to discuss those here.

#### Safety Information Service

In the program of work for the past year was included the development in the Division of Special Investigations of information service with respect to methods of safety, or perhaps I should say, the further development of such service, because more or less work along that line had previously been done. But a more definite formulation of such a line of work was made this last year, the impetus thereto growing out of experience in connection with the preparation in the previous year of Special Bulletin No. 77 on Prevention of Accidents. The need of such a service and its desirable nature and scope are well indicated in the following from a memorandum on the subject based on the experience of the expert who prepared Special Bulletin No. 77.

This Bureau is at present making an investigation of the results of safety work in a number of firms throughout the state for the purpose of demonstrating the practical value of such work as evidenced by reduction in number of accidents. In the prosecution of this work, there has been brought to light a situation which emphasizes at once a public need, and an opportunity for this Commission. This need is for better coordination of the various safety efforts being put forth by individual firms and the opportunity is that of achieving such coordination by furnishing a clearing house of information concerning safety work.

The better to illustrate this need and opportunity, here are some of the facts as to the present situation brought to light in connection with this Bureau's investigation.

Unquestionably, the best results in safety work have been obtained by the large corporations which have several plants located in different cities. Of course this is due partly to the superior personnel of the safety corps of these corporations since the demands are great enough to require the services of the best talent obtainable. But a large share of this success must be credited to the cooperation which these various plants obtain by exchanging ideas through the clearing house of the main office of the corporation. Even among the most successful of these corporations the demands for the means of actually making factories safe and of giving employees a safety education that will produce concrete results are so recent in their origin that no safety expert is willing to boast that his problems are solved.

As yet there is no science of industrial safety. There are many fragmentary ideas which here and there are producing satisfactory results. Curiously enough, one employer very often has in operation an effective means

of preventing one kind of accidents while he is still experimenting unsuccessfully with various methods in his attempts to eliminate a second kind of accidents which may have ceased to trouble another employer. For example, one large corporation, by using a combination of object lesson education and a tactful follow-up system of discipline, has very materially reduced its former large number of eye accidents; but within the past two years it has had several serious machine accidents which could have been prevented or reduced to minor accidents if the particular machine could have been stopped sooner. The necessity of some one running to the switchboard to shut off the power caused the delay. A second large corporation, engaged in equally hazardous work, with a record of no serious machine accidents in one of its plants in over eleven years, is still struggling to find a means of inducing its employees to wear the goggles provided for them in order to reduce its large number of eye accidents; on the other hand, this corporation, through a well developed cut-out system, is able to stop any of its electrically driven machines by pushing a button at the machine without interfering with the remainder of the plant.

The above is but one striking example of the many that could be cited to show the lack of standardization of safety ideas and methods in the factories of New York State. If this is true of the employers who have been most successful in their safety campaigns, what must be the situation among less successful employers and those who have as yet done little more than meet the minimum requirements of the Labor Law concerning machine guards?

The obvious remedy for this situation is cooperation. There is already a certain amount of such cooperation through exchange of information between individual firms or sometimes through organizations such as the locals of the National Safety Council. But only a comparatively small number of the larger firms are as yet benefited in this way, so that the need and opportunity for some agency to actively and systematically promote cooperation and standardization in this field are great. Now the moment one considers the functions which are prescribed by law for the Industrial Commission, its fitness, and in fact its plain duty, to act as such agency are strikingly obvious. To the Commission is specifically delegated by law three duties in this field, namely (1) enforcement of the state's legal safety requirements as found in the Labor Law and Industrial Code; (2) formulation of new legal requirements by rules and regulations in the Industrial Code; and (3) the furnishing of information relative to accidents and the means of preventing them. Manifestly the matter that is here discussed belongs under the third class of these duties, but, the propriety, or rather the necessity, of such a function as part of the Commission's work is tremendously emphasized by its association with the duties of law enforcement and legislation in the same field. In a word, therefore, this Commission ought to be the leading authority in this state, not only on what is required by law for safety, but on safety devices and methods of every description for the education and guidance of anyone interested in that subject.

The simplest and most practical step toward this end is that above suggested of furnishing a clearing house or information exchange through which any one employer may be able to learn what other employers have developed

and found effective on any particular problem. To accomplish this, three things are necessary: first, the assembling of full information about safety work; second, the putting of such material in the best form for dissemination by publication, correspondence service, or exhibits; and third, proper advertisement of the service. This is essentially investigation and publication work, and as such is not only appropriate for this Bureau, but precisely the kind of work it ought to do and, as a matter of fact, is directed by law to do. There is really nothing novel in this proposal. We already have much material in the Bureau and have done some work along this line. The investigation we are now making (referred to at the beginning of this memorandum) is exactly along this line. It is not proposed, therefore, to make a new departure, but rather to develop more definitely and fully lines already started. But to do this work most effectively, the work ought now to be definitely formulated as a distinct branch of the service and publicity given to it as such. This publicity is important, not simply for the credit of the Commission, but as a very practical means of making the work effective as well. Once get the idea abroad that such service is available here (and is being well done) and there will not be the least difficulty in finding demand for it or in securing the cooperation of employers to assist by furnishing information.

While substantial progress along this line was made during the past year, it must nevertheless be recorded at the close of the year that in the main the above outline presents an object still to be aimed at rather than an attainment reached. Here again, as in other lines of work already referred to, lack of an adequate force to carry out this program, in addition to other required work, has stood in the way. That more could not be done is chargeable, first to the cutting out of an important position in the Division of Special Investigations in the appropriation act for the year contrary to the recommendation of the Commission, and second, to the resignation early in the year of the occupant of another similar position (to accept a more desirable position outside the Department) who was doing special work along this line and the delay involved in securing a new civil service eligible list for the position, there being no one competent for the work who could be promoted. It must be added that the nonrestoration this year of the position cut out last year, as requested by the Commission, is not particularly encouraging for the future. Nevertheless, the great desirability of this kind of work makes it imperative to push it forward as much as resources will allow.

It should be added that the service here indicated would in no wise duplicate that which is represented by the annual Safety

Congress so auspiciously inaugurated by the Commission last year. Both are in the same field but so far from being duplications of service would supplement and strengthen each other in the common purpose of increasing and disseminating safety information in this state.

#### Annual Report of the Department

The principal function of this Bureau in connection with the Department's annual report, since the results of its own work are presented in bulletins, consists in editing the reports of other bureaus for printing, and supervising the printing and distribution of the report. But in doing this work, some considerations as to what is desirable in such a report have occurred to me and I venture to include them here.

Section 46 of the Labor Law clearly specifies two distinct portions of the annual report which the law requires, first, an annual report of the Commission, and second, a report of each bureau in the Department. What the bureau reports shall contain is distinctly specified. It is directed that they shall comprise "a report of the operation of each bureau." But there is no direction as to the content of the Commission's report. My recommendation here has to do particularly with this report.

It would seem to be obvious, though apparently often lost sight of in such reports, that the prime purpose of a report to the Legislature by the head of a department is to enable the latter to call forcibly to the attention of the Legislature those matters which require legislative action. Such action embraces three classes of subject first, the laws which the department administers or which relate to the field in which its work lies, second, the organization and administration of the department, and third, appropriations for the department. Here then are the particularly appropriate matters for the Commission's annual report, with indication that the point of view of the report should be not historical, but constructive. In other words, constructive recommendations for legislation rather than a recounting of past activities, should be the aim of the Commission's report, leaving historical review of operations to the detailed bureau reports.

In order to carry out the role contemplated for the Commission's report by the above, it is obvious that the report should be in the

hands of the Legislature in printed form as early as possible. This raises two practical questions, first as to preparation of the report, and second, as to printing. As to the former, the kind of Commission's report above suggested would lend itself to early preparation far better than a historical review based on detailed bureau reports. So far as appropriations are concerned, since the Commission has to make its budget recommendations early and this is done on the basis of recommendations made by each bureau, the budget could easily be summarized, noting the principal changes asked for and the arguments for them. What is done in making up the budget could also be done relative to other legislative recommendations. That is, let each bureau be called upon to present briefly to the Commission recommendations for any changes in existing laws, or for new laws, which the experience of the past year has shown to be needed, together with grounds therefor. These, together with any other legislative recommendations which the Commission may care to take up, can then be passed upon by the Commission, in consultation with the Industrial Council if desired, for determination of what shall be included as Commission recommendations to the Legislature.

As to printing, in order to make the most effective presentation, this Commission report should be printed in pamphlet form so as to lay it before each legislator at the time it is formally presented to the Legislature. It cannot be printed as a legislative document in advance of presentation, but it is possible to secure advance copies with only the cost of paper and press work to be paid for out of our own appropriations, the composition being charged to the cost of printing the report later as a legislative document, so that at small expense the Department could easily secure the necessary advance copies for the Legislature and for such general publicity as is desirable.

On the matter of publicity, I wish to include as part of the plan I am recommending, the idea of giving wide publicity to the recommendations which shall go into the Commission's report, both for the credit of the Commission and also to secure, if needed, the support of public sentiment in support of its recommendations. For such constructive recommendations to the Legislature it is especially easy to attract public attention.

Finally it may be pointed out that the detailed bureau reports,

which under existing conditions with respect to legislative printing can never be made available until long after the Legislature adjourns, would still remain for historical and statistical recording of the work of the Department as heretofore, and would be printed with the Commission's report in the regular legislative edition of the Department report.

To recapitulate, my recommendation is as follows:

- (1) Make a distinct separation of the Commission's report from the usual bureau reports;
- (2) Devote the Commission's report to legislative and budget recommendations;
- (3) Have the Commission's report printed in advance of presentation to the Legislature;
- (4) Give special publicity to the Commission's recommendations as embodied in the report.

This plan, I believe, is calculated both to increase the effectiveness of the annual report along its most useful lines, and to better enable the Commission to realize that leadership in legislation touching its field, which the Commission, as now constituted, might well exercise.

#### Publication of Laws

Closely connected with the subject of the annual report of the Department is the matter of the method of providing the necessary annual editions of the Labor Law, Industrial Code and Workmen's Compensation Law.

Up to the present time it has been the practice to secure these as advance reprints from the annual report of the Department. The sole reason for this was to save expense of composition out of the Department's printing appropriation, such being charged in accordance with the printing law to the legislative printing fund. But from the point of view of the state there has been waste instead of economy in this method, and it has imposed a less desirable form for these publications. The waste is due to the fact that the Department report must contain the laws (which now make several hundred pages and are constantly increasing in bulk) but by the time that report can be printed the laws therein have lost all value for current information, the advance reprints having been circulated months before, many of them, it may be,

having been amended, and the next year's advance edition having also been circulated, so that a substantial addition to the postage necessary to distribute the annual report is required to cover this out-of-date and useless material. The loss in form of publication occurs by reason of the necessity of keeping to a style and paging required as part of the annual report, instead of a separate pamphlet or bulletin.

The remedy is obvious and has indeed been recommended by this bureau a number of times heretofore. That is to secure in the Department printing fund a sufficient amount to cover the entire cost of publishing these laws, which would mean simply the transfer of whatever is necessary from the legislative to the Department appropriation for printing, and not an increase in state expenditure.

As a matter of fact, in the past year the 1917 edition of laws was issued as a separate Department publication as here recommended. This was practically forced by the absence of any legislative printing fund, and happened to be made possible by an unexpended balance in the Department printing fund, but necessitated a curtailing of the edition below what is needed. The proper method thus inaugurated should by all means be continued. This Bureau has already filed a budget recommendation for this particular purpose, to the end that these indispensable publications may be properly provided for so as to supply the public need of them most effectively.

#### Supervision of the Issuance of Child Labor Certificates

Among the statistics relating to administration of the Labor Law which are regularly compiled by this Bureau are those relating to employment certificates issued by boards of health. In connection with that work some facts have lately come to light to which it seems proper to call attention here. These facts were secured as the result of inquiries made by correspondence and by an agent of this Bureau of a number of health officers. Such inquiries were occasioned by the incomplete filing of reports of certificates issued and consequent efforts by this Bureau to complete the returns by special inquiry at the close of the year.

The principal point to be noted here is the fact that in many communities, mainly the smaller ones, there is failure of the health officers to carry out the requirement of Sections 75 and

166 of the Labor Law that they shall report monthly what certificates have been issued by them and shall file monthly duplicate records of physical examinations of children applying for certificates. Inquiry made concerning this last year brought to light the following evidence on this point. On October 1, 1917, there were 218 cities or incorporated villages with a population of 500 or more which had filed no reports of employment certificates (and no physical examination records) for the year ended June 30, 1917. From replies received to a special inquiry sent out by this Bureau, it was discovered that 105 of these had issued certificates during that year in numbers varying from 1 to 200 each (ten of these health districts had issued 25 or more certificates each, and three had issued over 100 each) totalling 1,269. These results appeared in October, 1917, in spite of the fact that in February of that year a special pamphlet of instructions to health officers concerning employment certificates (prepared by this Bureau in cooperation with the Bureau of Inspection) had been sent to every such officer in the state.

Much more widespread than defective reporting of certificates issued is defective reporting of certificates refused. This is so extensive that the Department has at present very little information upon the subject, although the law explicitly states that such cases shall also be reported.

It is not intended to convey the impression here that there is anywhere any wilful violation of law in connection with this matter. It seems rather to be a case of oversight or ignorance of the law, notwithstanding what has been done by issuance of instructions on the subject by the Department. It is not difficult to understand how such instructions come to be overlooked when it is noted that in a large proportion of the health districts comparatively few certificates are issued and those at odd intervals through the year, a condition easily conducive to oversight as to details. This, of course, in no wise lessens the necessity of securing full compliance with the law, and what has been said above suggests what seems to be necessary to secure it. That is, more systematic and frequent checking of returns and canvassing of health districts from which no reports are being received but in which the size of the industrial population or former records indicate that certificates are likely to have been issued. While

the law concerning the matter is not one for which any administrative duty is assigned to this Bureau, nevertheless since it falls to this Bureau to compile statistics relating to the matter, it will be necessary, with a view to complete information, for us to extend such checking-up (heretofore done only to a limited extent annually) so far as resources will permit, in the absence of provision therefor outside of the Bureau.

The foregoing relates to the sending in of reports to this Department by health officers. Our inquiries in connection with that particular matter, have revealed a considerable need of more systematic supervision further back in connection with the issuance of employment certificates with a view to uniformity and standardization of practice throughout the state in the examination of applicants for certificates. This, of course, is a much broader matter which would raise a number of important questions such as whether the present law fully authorizes such supervision by this Department, whether such supervision might not most logically be undertaken by the State Department of Health with which health officers are closely related in respect of other matters, and the practical question of resources for such supervision. Into these questions it is not necessary to enter at this time. It seems appropriate, however, to call attention here to the need of development along this line, which had come somewhat forcibly to our notice in connection with the work of this Bureau.

#### BUREAU QUARTERS

I deem it my duty to call attention to the unsatisfactory condition of the quarters provided for the main office of the Bureau at Albany. In the present rooms there have always been conditions as to ventilation, heat and light which are unfavorable to health and efficiency. To this there has now been added, as the result of nearly a 50 per cent increase in force and an increase in necessary mechanical equipment, a condition of serious overcrowding. I feel bound to report this situation and to urge relief both as a matter of justice to the employees and as one which substantially affects the efficient operation of the Bureau.

L. W. HATCH,

*Chief Statistician.*

**PART VII**  
**REPORT OF BUREAU OF EMPLOYMENT**

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## **REPORT OF DIRECTOR OF BUREAU OF EMPLOYMENT**

*To the Industrial Commission:*

The report of the Bureau of Employment for the year ending June 30, 1917, is herewith respectfully submitted. The full report includes statistical tables of the work done during the year July 1, 1916-June 30, 1917, together with reports from the superintendents of each of the main offices located in New York City, Albany, Syracuse, Rochester, and Buffalo.

### **MANY USES OF THE BUREAU**

Although these offices have been established in these cities only about two years and a half, they have become well-known institutions in their respective localities, and are centers for all sorts of industrial information. Workers come to the offices not only to learn about positions, but also to get every kind of industrial advice. Men and women come to ask about the possibilities in certain trades and occupations. Sometimes the advice is asked for their children's sake, but more often for their own. Women, especially, suddenly thrown on their own resources, seek the public employment offices to learn what opportunities are open to them to earn a living. Employers come to ask all sorts of questions about the Labor Law and to know whether they can employ children and women under certain conditions. Interested persons seek to know what the prevailing rate of wage is in the different communities for certain lines of work. The offices are used as centers for industrial surveys of the community, and the thousands of cards in our record system are pored over by those in search of statistical information relating to industry and workers. Various firms write to know about the possibility of securing workers if they open a branch or move their establishment into the section covered by the office to which they are writing. Workers who have formerly lived in the communities and are now residing in far parts of the country write to know what are the prospects (if they should return) of securing work

in their own particular trade and occupation. An establishment closes down in the city and its former employees come to the office asking what are the opportunities in other cities where offices of the Public Employment Bureau are located. Workers read advertisements or in some other way hear of positions offered in other cities, and come to the local office to ask that it find out for them the true state of affairs as regards the actual openings and earnings to be had in the other communities. An office very often acts as mediator in individual cases of disagreement between employer and employee over wages or conditions which had been agreed upon through the medium of the office. Parents or other relatives call or write to know if certain workers have made use of the services of the office, thus hoping to re-establish some broken connection. Newcomers to a city, seeking employment, use the office as a source of information about the housing and transportation facilities of the city. This is only a partial list of the uses, industrial and otherwise, to which the offices of the Bureau are put.

#### THE NEED FOR INCREASED SALARIES

For the purpose of enabling the employees of the different offices to obtain and assimilate all the industrial information necessary to answer the questions asked and give the advice sought, more opportunity should be given for the visiting of factories and work-places in the different communities. The Legislature still fails to understand the functions or appreciate the usefulness of the Bureau. The office staffs in every office are miserably inadequate to properly carry on the work. This not only causes constant overtime on the part of employees, but it means that many important things have to be slighted, and in some cases left entirely undone. This misunderstanding and non-appreciation of the Bureau results not only in a limited staff, but it also means that inadequate salaries are paid. Only a small percentage of the employees of the State Bureau of Employment are receiving a salary adequate to the work they are doing, or as large a salary as they would receive if they were carrying on the same work for a private corporation. The result of this is that as rapidly as the Bureau trains some one in the employment

work, he or she is taken away by some firm who values and appreciates the training and qualities of the employee. This entails a double loss to the Bureau, in that it loses the value of the services of the employee receiving the training, and, in addition, is compelled to again take up the work of training another person for the position. It can be seen by the recital of the many uses of the Bureau how necessarily varied must be the experience and knowledge of its employees.

The work of an employment office is intensely interesting, and brings into play every mental faculty of those engaged in it. For this reason, the Bureau has been enabled to retain members of its staff for long periods at a low salary, and often it was only the increased bidding of a private employer which ultimately led to the Bureau's loss. Whatever it may be—whether it be the interesting work or the close touch with the public—the fact remains that there will be found very few public functions carried on with more devotion and interest than is found in the Bureau of Employment, and nowhere will there be found a more devoted staff of poorly paid employees.

#### NEED FOR ADDITIONAL OFFICES

The attitude of the Legislature towards the employees of the Bureau of Employment extends naturally to the Bureau as a whole, and the consequence is that there has been no increase made in the number of offices throughout the state. The insistent demand of several of the large industrial communities that an office of the Bureau be established in their community has produced no effect. Now that we are actually involved in the European war, it becomes more than necessary that new offices be organized. The time is not far distant when great changes will take place in the labor market, which will involve much shifting of labor and transference from one industry to the other. It will not be possible to do this efficiently unless there is some sort of organization directly created to handle the matter. Already those who are taking an interest in this subject know that the need for such machinery will be very great. It appears, however, that with our usual method of trusting to luck, we will persist in leaving the matter alone until the necessity is actually

pushed upon us, and then there will come the hasty establishment of this sort of machinery, with all the vexations and inadequacies attendant on such hasty establishment. Now is the time when the foundation should be laid for the slow and effectual building up of a system able to cope with the situation when it comes. Not only should this be done for the benefit and use of the country through the stress and changes attendant on industry during the war, but it will be all the more necessary at the end of the war, when, without such machinery, we are likely to fall into a lengthy period of industrial chaos.

#### THE CHANGES IN INDUSTRY

The declaration by the United States of war on Germany, and the anticipation of the effect of the selective draft, has created great changes in industry and in the labor market. Already there is a cry of labor shortage which is not justified. It is the duty of the Bureau of Employment to combat this mistaken idea, so as to minimize some of the evils which may result from such false belief. We are beginning to talk of the necessity for the use of woman and child labor, for which there is as yet no valid need. In reality, for a long time there has been a great loss of man power in this state because of unemployment. It is well known that up until about two years ago, an advertisement offering any position with fairly attractive wages, would bring to the factory or other work-place a large crowd of eager applicants. It is also well known that from all the work-places in every industrial community there were turned away every morning hundreds of men willing and eager to work. This meant a great loss of man power to the country, for these hundreds and thousands of workers lost anywhere from three days to three months in finding a suitable job. The total loss of days' work, counted in man power, is startling. This loss has been passed over without notice save when it was emphasized by bread lines and soup kitchens. With the expectant need of man power, we are now beginning to realize what we were wasting and are commencing to take up the slack. The truth of the matter is that there are in this country enough human beings potentially capable of doing all the work required, and that, too, without materially increasing the number

of women workers. But there is an actual shortage of the kind of technically trained workers for which the changes in industry are causing demand. There is only one remedy for this apparent shortage, and that is, the training of unskilled or semi-skilled workers in such manner as will fit them to do the new work called into existence as a result of the war. We can not escape the doing of this training, and the sooner we face the problem, the more productive the country will be. We are teaching thousands of men how to shoot a gun and handle a bayonet. It is just as desirable in this emergency to teach a man how to handle a tool and a machine. Thousands of the potential soldiers are just as unfamiliar with the rifle and the bayonet as are thousands of workers with the tool and the machine. There are enough human beings for both fields of training, but we must exercise as much care in the training and preparation for one field as for the other.

If this industrial training is not given now, and the continuance of the war compels us to have a second or third draft, then we may be forced to ask for priority in labor and the stoppage of all so-called nonessential industries because we lack men of requisite skill to carry them on. Just now, employers, to escape the responsibility of giving this training, and with the hope of rapidly carrying out their contracts, are depending on "scamping" or the stealing of labor from one another through newspaper advertising and the sending out of labor scouts armed with glowing promises. A great waste in man power results from this crude method of shifting men from one plant to another or from one section to another, as well as adding to the instability of the labor market.

Another waste of man power of which we are just beginning to take notice is that caused by the arbitrary age limit set by most employers. Formerly a man over 45 was reluctantly, if at all, accepted in a great many lines of work. The change from this idea has already commenced, and we may expect that instead of making the age limit 45, we can look forward with some hope that it will be raised to 60. If such is the case, it will undoubtedly lead to the return of thousands of mechanics and others to the field of productive industry.

There is one form of labor, the ranks of which it will not be possible to fill through training. Common labor, especially of

the type needed to do the hot, heavy and dirty work, promises in time to become very much in demand. Immigration from across the Atlantic has practically ceased and we shall have to look for a supply from nearer outside sources and from our own colonies.

#### FARM LABOR

Long prior to our own entrance into the war, and indeed before the outbreak of the European war, the lack of farm help in this country had become serious. The heavy demand in industrial centers has now begun to make the farm help situation very acute. The State Bureau of Employment, having the only organized machinery for handling labor in the state, is at present giving aid to the Food Supply Commission and is endeavoring to place such men as can be found willing to accept farm work at the wages offered. Our various offices throughout the state are being largely used as headquarters for the agents of the Farm Cadet Bureau of the State Military Training Commission, and we are aiding the Cadet Bureau as far as possible in the organizing of boys' camps or in the placing of boys directly on the farm under proper supervision. Already we are beginning to discuss the probability of the extensive use of women on the farm, and we are just now making an experiment with a few camps or units of women in the fruit section along the Hudson River. On the success of this experiment will largely depend the future development of the plan of using women for the lighter forms of farm work.

But all these helps are only auxiliary. The farmer must have the assistance of trained men to successfully produce the amount of food this country and its Allies will need for the next few years. However radical it may appear, we shall have to consider the enlisting or drafting of an agricultural army which will be given training along farming lines. Under the present conditions, this same army could be given, at different times of the year, a certain amount of military training, thus bringing to the state a double advantage, in that it would have a trained body of agricultural workers which could, in an emergency, be used for military purposes. The details of a proposition of this kind will be found far more practical than might at first appear. Because of the too prevalent idea that little or no training is

required for farm help, the farmer has had, especially in the last few years, to depend on a very inefficient class of help. When we speak of giving a man training in farming, we visualize his going to an agricultural college, such as Cornell, where he will learn about agriculture from top to bottom. When we speak of giving a man training as a machinist or a toolmaker, we do not have the idea of sending him to a highly technical school, but only to give him shop experience and training. In the same way we should have a great body of trained farm hands—men who know all about the different farm implements, who know how to handle tractors, how to care for and handle horses and look after cows and so forth. An enlisted or drafted agricultural army, ready to receive training of this kind, will undoubtedly have to be created, and we should commence to consider the plans and details for it.

The domestic servant problem is also feeling the effect of the changed industrial situation. The demand in the north has increased the number of colored domestics. There is also a growing tendency on the part of housekeepers now to take on women who are willing to give part time to housework, but who must return to their own homes at night.

#### JUVENILE PLACEMENT DEPARTMENTS

The Legislature, at its last session, passed a bill (chapter 749, Laws of 1917) making mandatory the establishment of juvenile placement departments in all offices of the State Bureau of Employment located in cities of the first and second class. The bill carried with it an appropriation of \$15,000 for the organizing of these departments in such offices as are now established. A civil service examination is to be held for the purpose of creating an eligible list of supervisors and assistant supervisors to conduct these departments, and they will be organized as soon as practicable after the issuance of this list.

#### STATISTICAL TABLES

The statistical tables, which are made part of this report, will be found interesting as showing the growth of the Bureau and the wide field it is covering, not only in the extent of numbers handled and placed, but in the number of industries and trades and occupations covered.

**REPORTS FROM SUPERINTENDENTS**

The reports from the superintendents of the different offices give a graphic picture of the activities and needs of the Bureau as a whole. These different offices are not only handling all sorts of workers, from the professional man to the day laborer, but they are covering a larger territory than their immediate city. Workers in small communities are receiving the benefit of the offices through the medium of the mail. An order for help comes by mail from some outlying town, and at the same time an applicant writes for work from a neighboring community. If it is apparent to the employment office that the applicant is fitted to the position, the employer and employee are at once put in touch with each other by mail. Some very effective work has been done in this way, and the offices in the larger cities are acting as clearing houses between the demand and supply in outlying communities. The amount of clearing of orders between the different offices done by the administrative office, as well as the amount of the kind of work just described, is shown by the fact that the figures of the placements for the past year show that one person out of every six placed was sent either from a city to the country or from one city to another. The difference between the labor demand and supply in the different sections of the state is often quite marked, although only a few dozen miles may separate the various places.

**BROAD FIELD OF USEFULNESS**

The increase of placements shows that the value of the State Bureau of Employment is not dependent on the rise or fall in the demand for workers. The Bureau has a steady function of usefulness in acting as a center of information for employers and employees so as to satisfy their varying demands. There is always a necessary shifting of workers throughout all industry, caused by seasonal requirements, by the rise and fall in the demand for commodities, by the workers' desire for change, and by the discharge of one type of worker and the taking on of another. When for any reason these changes take place, the public employment office is a center of information to which the worker can turn to learn where he can get work in his same line, or failing this, to learn what other work is open for which his abilities fit him. On the other hand, when an employer wishes

to take on additional men, or to start a new work, the office is there to inform him of the number of men seeking work of the kind he has to offer.

#### NEWSPAPER SUPPORT

In our report of last year we called attention to the fact that the newspaper press of the state had been very liberal with the Bureau and had given it considerable space. This continues to be true, and is especially noticeable in the press of the cities upstate. In addition to the publicity given the Bureau through the many news articles concerning the activities and plans of the different offices, the newspapers in some of the cities are printing daily in their want columns (without charge) a list of all the positions open at the public employment office. This is not only a great advantage to the employers and the employees of the community, but serves to keep the public employment office well known.

#### CONCLUSION

It is with regret, in concluding this report, that I feel that I must once more call attention to the necessity of increased salaries in the State Employment Bureau if it is to do any considerable percentage of the work opening out to it. With the passing of the old idea that a public employment office is simply to direct a worker to a job, and with the opening up of the possibilities of the kind of work which should be done by offices of this kind, it becomes more and more apparent how high grade and able their employees should be. The Bureau's work is so technical, so vital, and so human, that it requires the very highest type of training and natural ability. People of this kind cannot be secured for the meager salaries now paid by the Bureau.

I feel that through the medium of this report the Bureau should give expression to its gratitude to the various Advisory Committees in the different cities, and to a number of interested individuals and organizations, which have given advice and encouragement, and in some instances, special assistance. The staff of the Bureau has felt particularly grateful for all this, because we are struggling through and trying to outgrow a general misconception of public employment offices.

CHARLES B. BARNES,

*Director, Bureau of Employment*

Table I. LABOR DEMAND AND LABOR SUPPLY ACCORDING TO NUMBER OF REGISTRATIONS AND NUMBER OF POSITIONS OFFERED FOR THE PERIOD OF TWELVE MONTHS, FROM JULY 1, 1916 TO JUNE 30, 1917

		Labor Demand (Help wanted)		Labor Supply (Situations wanted)												
		Number of individual orders from employers	Number of persons applied for registrations	Total number of original registrations			Native born		Foreign born		Single	Married	Widowed	Referred	Number of positions reported filled	
				Renewals of registrations	Total	Citizens	Aliens	Total	Citizens	Aliens						
*Greater New York.....	Male.....	13,432	5,155	9,831	2,935	1,116	1,819	6,649	2,968	214	14,761	7,233				
	Female.....	13,693	3,462	6,460	3,889	1,571	675	5,896	3,529	1,131	800	13,947	10,391			
	Total.....	27,125	8,617	15,291	10,785	4,506	1,791	2,751	10,178	4,069	1,014	28,708	17,624			
**Syracuse.....	Male.....	11,501	1,349	7,034	5,612	1,422	398	1,024	4,869	1,941	224	10,070	7,558			
	Female.....	6,338	953	2,197	1,904	293	134	159	1,226	635	336	5,170	3,457			
	Total.....	12,641	17,839	2,302	9,231	7,516	1,715	532	1,183	6,095	2,576	560	15,249	11,015		
§Rochester.....	Male.....	15,635	3,219	8,455	6,216	2,239	829	1,410	5,558	2,613	284	14,532	7,746			
	Female.....	8,515	2,238	2,374	1,863	511	272	239	1,289	655	430	6,639	4,348			
	Total.....	16,598	24,150	5,457	10,829	8,079	2,750	1,101	1,649	6,847	3,268	714	21,171	12,094		
¶Buffalo.....	Male.....	15,001	932	14,794	10,439	4,355	1,483	2,872	12,159	2,559	76	15,950	11,236			
	Female.....	8,950	507	2,795	2,106	689	445	244	1,481	834	480	8,455	6,578			
	Total.....	23,991	1,439	17,589	12,545	5,044	1,928	3,116	13,640	3,393	556	24,405	17,814			
Albany.....	Male.....	6,264	2,130	5,260	3,717	1,543	483	1,060	3,889	1,168	203	6,874	4,161			
	Female.....	3,745	1,242	1,526	1,288	238	105	133	895	331	300	3,502	1,882			
	Total.....	6,845	10,009	3,372	6,786	5,005	1,781	588	1,193	4,784	1,499	503	10,376	6,043		
Grand total.....	Male.....	61,833	12,785	45,374	32,880	12,494	8,185	33,124	11,249	1,001	62,196	37,924				
	Female.....	41,281	8,402	14,352	11,050	3,302	1,631	1,671	8,420	3,586	2,346	37,713	26,656			
Total.....		68,903	103,114	21,187	59,726	43,930	15,796	5,940	9,856	41,544	14,835	3,347	99,909	54,590		

\* Includes Brooklyn, Williamsburg, Long Island City, Mineola and 38th street, New York city office.

\*\* Includes Oswego office for the months of January, February, March, April, May and June, 1917.

¶ Includes Albany office for the period from July 1, 1916 to June 30, 1917.

§ Includes Dunkirk office for the months of July, August, September, October, November and December, 1916.

## NOTES TO TABLES II, II-a, II-b, II-c, II-d AND II-e

For Tables II, II-a, II-b, II-c, II-d and II-e we have arranged twenty-seven occupational groups under males and ten occupational groups under females. A large number of widely separated trades and occupation had to be brought under the heading "Occupations not otherwise classified" because there was such a small number in each. These occupational groups embrace the following trades and occupations:

	<i>Males</i>
Agricultural workers.....	Farm hands, fruit and berry pickers, gardeners, etc.
Bakers and Butchers.....	Bakers, butchers and helpers.
Blacksmiths, etc.....	Blacksmiths and helpers.
Boilermakers, etc.....	Boilermakers and helpers.
Bricklayers, etc.....	Bricklayers, masons, plasterers, helpers, concrete workers, marble and stone cutters, brick, tile and terra cotta workers.
Carpenters, etc.....	Carpenters, joiners, helpers, furniture workers, cabinet makers, finishers, machine wood workers, piano and organ workers, upholsterers and all other wood working trades.
Chauffeurs, etc.....	Chauffeurs, cab and coach drivers, deliverymen, draymen, teamsters, hostlers, stable hands, etc.
Clerical Workers, etc.....	Bookkeepers, accountants, cashiers, stenographers, typists, office clerks, draftsmen, telephone and telegraph operators, mechanical, civil and efficiency engineers and other professions.
Coremakers, etc.....	Coremakers, molders and helpers.
Electrical Workers.....	Electrical workers, linemen and electricians.
Elevator Runners.....	Elevator runners.
Engineers, etc.....	Marine engineers and firemen, stationary engineers and firemen, and oilers.
Factory Workers.....	Drug and chemical workers, paint, oil and soap makers, tailors, garment workers, hat and cap makers, laundry, cleaning and dyeing workers, millinery workers, shirt, collar and cuff makers, all other clothing, millinery and furnishings workers, cannery workers, cigar and tobacco workers, confectionery workers, all other food, beverage and tobacco workers, boot and shoe makers, fur workers, glove workers, harness makers, rubber workers, tannery workers, all other leather, rubber and allied products workers, paper goods workers, pulp and paper mill workers, all other paper and paper goods workers, spinners, winders, weavers and all other textile workers and learners.
Hotel Workers, etc.....	Bartenders, cooks, chefs, waiters, busboys, all other hotel, restaurant and institution workers, barbers, domestics, nurses and attendants and all other personal service workers.
Janitors, etc.....	Janitors, caretakers and watchmen.
Laborers.....	Building and construction laborers, chemical, oil and paint laborers, clay, glass and stone products laborers, clothing, millinery and furnishings laborers, food and tobacco laborers, leather, rubber and allied products laborers, metal and machinery laborers, paper and paper goods laborers, textile laborers, freight handlers, railroad section hands, transportation laborers, coal, lumber yard, etc., laborers, wood working laborers, day workers, dock workers, snow shovelers, ice cutters, all other casual workers and miscellaneous laborers.
Machinists.....	Machinists, tool and die makers and millwrights.
Machine hands.....	Auto repairers, garage workers, bench hands, assemblers, machine hands and helpers, and all other occupations in the machinery trades not otherwise classified.
Messengers, etc.....	Messengers, errand boys, etc.
Painters, etc.....	Painters, decorators, paper hangers, varnishers and helpers.

Plumbers, etc.....	Plumbers, gas and steam fitters and helpers.
Polishers, etc.....	Polishers, buffers, plasters and helpers.
Porters.....	Hotel, restaurant and building maintenance porters, store porters, miscellaneous porters and general cleaners
Printers, etc.....	Bookbinders, machine operators, composing room employees, job printers, presmen, feeders, proofreaders, and all other printing and publishing workers.
Salesmen, etc.....	Agents, canvassers, collectors, bundlers, wrappers, clerks, salesmen, shipping and stock clerks, packers, window trimmers and all other wholesale and retail trade workers.

Tinsmiths, etc..... Tinsmiths, roofers, sheet metal workers and helpers.

**Occupations Not Otherwise Classified.** Structural iron workers, workers in the building and construction trades not otherwise classified, brewery workers, blast furnace workers, mining and quarry workers, railroad switchmen, flagmen, yardmen, street railway conductors and motormen, occupations in the transportation and public utilities trades not otherwise classified, moving picture employees, piano players, detectives, and miscellaneous workers not otherwise classified.

#### Females

Agricultural Workers..... Berry, fruit, vegetable, etc. pickers, and all other agricultural workers.

Clerical Workers, etc..... Bookkeepers, accountants, cashiers, stenographers, typists, office clerks, telephone and telegraph operators, school teachers, graduate nurses, and all other professions.

Day Workers..... Day workers.

Domestics..... Domestics, housekeepers, maids, etc.

Factory Workers..... Drug and chemical workers, paint, oil and soap makers, clay, glass and stone products workers, dressmakers, seamstresses, tailoresses, garment workers, hat and cap makers, laundry, cleaning and dyeing workers, millinery workers, shirt, collar and cuff makers, all other occupations in the clothing, millinery and furnishings trades, cannery workers, cigar, cigarette and tobacco workers, confectionery workers, all other occupations in the food, beverage and tobacco trades, boot and shoe makers, fur workers, glove workers, rubber workers and all other occupations in the leather, rubber and allied products trades, power machine operators, all occupations in the metal and machinery trades, paper goods workers, pulp and paper mill workers, all other occupations in the paper and paper goods trades, spinners, winders, weavers and all other workers in the textile trades, upholsterers and all other workers in the wood working and furniture trades, and learners.

Hotel Workers, etc..... Chambermaids, cooks, kitchen workers, matrons, housekeepers, waitresses and all other hotel, restaurant, institution and building maintenance workers.

Nurses, Attendants, etc..... Nurses and attendants, janitresses, laundresses, companions and all other domestic and personal service workers not otherwise classified.

Printers, etc..... Bookbinders, machine operators, job printers, composing room employees, proofreaders, press feeders, and all other occupations in the printing and publishing trades

Saleswomen, etc..... Agents, canvassers, collectors, bundlers, wrappers, cash girls, clerks, saleswomen, shipping and stock clerks, packers, models, and all other occupations in the wholesale and retail trades.

**Occupations Not Otherwise Classified.** Bakers, piano players, elevator runners, manicurists, and miscellaneous workers not otherwise classified.

Table II.—NUMBER OF REGISTRATIONS AND RENEWALS, POSITIONS OFFERED, REFERRED, AND REPORTED PLACED BY OCCUPATIONS, FOR THE PERIOD OF TWELVE MONTHS, FROM JULY 1, 1916 TO JUNE 30, 1917

OCCUPATIONS	REGISTRATIONS AND RENEWALS		POSITIONS OFFERED		REFERRED		REPORTED PLACED	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>All Offices: Males</i>								
Agricultural workers.....	5,835	10.03	6,749	10.91	6,217	10.00	4,245	11.19
Bakers and butchers.....	207	.35	165	.27	166	.27	68	.18
Blacksmiths, etc.....	246	.42	195	.31	194	.31	69	.18
Boilermakers, etc.....	78	.13	28	.05	24	.04	9	.02
Bricklayers, etc.....	200	.34	152	.25	134	.22	81	.21
Carpenters, etc.....	1,880	3.23	1,885	3.05	1,759	2.83	839	2.21
Chauffeurs, etc.....	2,670	4.60	2,044	3.30	2,197	3.53	953	2.51
Clerical workers, etc.....	4,786	8.23	2,023	3.27	2,437	3.92	934	2.46
Cinemakers, etc.....	253	.43	212	.34	186	.30	73	.19
Electrical workers.....	517	.89	301	.49	326	.52	138	.37
Elevator runners.....	240	.41	330	.53	346	.56	172	.45
Engineers, etc.....	1,421	2.44	828	1.34	989	1.59	535	1.41
Factory workers.....	3,016	5.19	1,422	2.30	1,260	2.02	629	1.66
Hotel workers, etc.....	2,940	5.06	4,329	7.00	4,323	6.95	2,247	5.92
Janitors, etc.....	873	1.50	796	1.29	906	1.46	403	1.06
Laborers.....	18,045	31.03	24,787	40.09	24,636	39.61	18,783	49.52
Machinists.....	1,787	3.04	1,666	2.69	1,775	2.85	766	2.02
Machine hands.....	4,497	7.73	4,429	7.16	4,440	7.14	2,074	5.47
Messengers, etc.....	643	1.11	894	1.45	812	1.30	354	.93
Painters, etc.....	777	1.34	499	.81	494	.79	273	.72
Plumbers, etc.....	613	1.05	300	.49	329	.53	185	.49
Polishers, etc.....	208	.36	200	.32	200	.32	85	.23
Porters.....	2,251	3.87	3,641	5.89	3,895	6.26	2,084	5.50
Printers, etc.....	397	.68	440	.71	404	.65	166	.44
Salemen, etc.....	2,621	4.51	2,248	3.64	2,474	3.98	1,093	2.88
Tinsmiths, etc.....	393	.68	453	.73	447	.72	220	.58
Occupations not otherwise classified.....	785	1.35	817	1.32	826	1.33	456	1.20
<b>Total.....</b>	<b>58,159</b>	<b>100.</b>	<b>61,833</b>	<b>100.</b>	<b>62,196</b>	<b>100.</b>	<b>37,934</b>	<b>100.</b>
<i>All Offices: Females</i>								
Agricultural workers.....	156	.69	121	.29	48	.13	47	.18
Clerical workers, etc.....	5,554	24.41	2,588	6.27	3,590	9.52	1,442	5.41
Day workers.....	4,910	21.58	15,699	38.03	15,895	42.15	14,880	55.82
Domestics.....	3,819	16.78	9,280	22.48	6,647	17.62	3,745	14.05
Factory workers.....	3,025	13.29	4,518	10.95	3,619	9.60	1,864	6.99
Hotel workers, etc.....	3,824	16.81	6,078	14.72	5,158	13.68	2,946	11.05
Nurses, attendants, etc.....	743	3.27	1,510	3.66	1,532	4.06	1,154	4.33
Printers, etc.....	94	.41	380	.92	301	.80	149	.56
Salewomen, etc.....	614	2.70	1,079	2.61	903	2.39	419	1.57
Occupations not otherwise classified.....	15	.06	28	.07	20	.05	10	.04
<b>Total.....</b>	<b>22,754</b>	<b>100.</b>	<b>41,281</b>	<b>100.</b>	<b>37,713</b>	<b>100.</b>	<b>26,656</b>	<b>100.</b>

Table II-a — NUMBER OF REGISTRATIONS AND RENEWALS, POSITIONS OFFERED,  
REFERRED AND REPORTED PLACED BY OCCUPATIONS, FOR THE PERIOD OF  
TWELVE MONTHS, FROM JULY 1, 1916 TO JUNE 30, 1917

OCCUPATIONS	REGISTRATIONS AND RENEWALS		POSITIONS OFFERED		REFERRED		REPORTED PLACED	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>Greater New York Offices: * Males</i>								
Agricultural workers.....	519	3.46	730	5.44	658	4.46	555	7.67
Bakers and butchers.....	31	.21	38	.28	41	.28	25	.35
Blacksmiths, etc.....	52	.35	47	.35	47	.32	10	.14
Boilermakers.....	14	.09	9	.07	10	.07	1	.01
Bricklayers, etc.....	64	.43	14	.10	14	.09	9	.12
Carpenters, etc.....	501	3.34	434	3.23	485	3.29	220	3.04
Chauffeurs, etc.....	932	6.55	535	3.98	602	4.08	236	3.26
Clerical workers, etc.....	1,975	13.18	879	6.54	1,005	6.81	423	5.85
Coalmakers, etc.....	51	.34	32	.24	37	.25	18	.25
Electrical workers.....	235	1.57	98	.73	115	.78	48	.66
Elevator runners.....	125	.83	109	.81	117	.79	59	.82
Engineers, etc.....	430	2.87	247	1.84	296	2.00	166	2.30
Factory workers.....	1,151	7.68	525	3.91	539	3.65	266	3.68
Hotel workers, etc.....	688	4.59	967	7.20	1,081	7.32	540	7.47
Janitors, etc.....	216	1.44	194	1.44	224	1.52	80	1.11
Laborers.....	1,953	13.03	3,242	24.14	3,464	23.47	1,997	27.61
Machinists.....	622	4.15	510	3.80	618	4.19	254	3.51
Machine hands.....	1,485	9.91	1,359	10.12	1,512	10.24	596	8.24
Messengers, etc.....	398	2.66	411	3.06	439	2.97	205	2.83
Painters, etc.....	300	2.00	145	1.08	167	1.13	86	1.19
Plumbers, etc.....	280	1.94	105	.78	114	.77	58	.80
Polishers, etc.....	65	.43	52	.39	54	.37	19	.26
Porters.....	1,064	7.10	1,586	11.81	1,802	12.21	858	11.86
Printers, etc.....	181	1.21	194	1.44	205	1.39	77	1.06
Salesmen, etc.....	1,249	8.34	789	5.87	921	6.24	337	4.66
Tinsmiths, etc.....	119	.79	89	.66	95	.64	49	.68
Occupations not otherwise classified.....	228	1.51	92	.69	99	.67	41	.57
Total.....	14,986	100.	13,432	100.	14,761	100.	7,233	100.
<i>Greater New York Offices: * Females</i>								
Agricultural workers.....	147	1.65	73	.53	40	.29	39	.38
Clerical workers, etc.....	2,688	30.13	1,223	8.93	1,782	12.78	704	6.77
Day workers.....	2,297	25.74	6,215	45.39	6,288	45.03	6,055	58.27
Domestics.....	818	9.17	844	6.16	747	5.36	399	3.86
Factory workers.....	1,452	16.27	2,216	16.18	1,951	13.99	1,003	9.64
Hotel workers, etc.....	949	10.64	1,566	11.44	1,578	11.31	1,066	10.25
Nurses, attendants, etc.....	279	3.13	1,036	7.57	1,068	7.36	887	8.54
Printers, etc.....	48	.54	186	1.36	162	1.16	76	.73
Saleswomen, etc.....	242	2.71	329	2.40	329	2.36	159	1.53
Occupations not otherwise classified.....	2	.02	5	.04	2	.01	3	.03
Total.....	8,922	100.	13,693	100.	13,947	100.	10,391	100.

\* Includes Brooklyn offices for the full twelve months; Williamsburg sub-office for the months of July, August, December, 1916, January, February, March, April, May and June, 1917; Long Island City sub-office for the months of March, April, May and June, 1917; Mineola sub-office for the months of May and June, 1917; East 39th street, New York City sub-office for month of June, 1917.

Table II-b — NUMBER OF REGISTRATIONS AND RENEWALS, POSITIONS OFFERED,  
REFERRED AND REPORTED PLACED BY OCCUPATIONS, FOR THE PERIOD OF  
TWELVE MONTHS, FROM JULY 1, 1916 TO JUNE 30, 1917.

OCCUPATIONS	REGISTRATIONS AND RENEWALS		POSITIONS OFFERED		REFERRED		REPORTED PLACED	
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
<i>Syracuse Office: * Males</i>								
Agricultural workers.....	1,295	15.45	1,696	14.75	1,472	14.60	1,156	15.30
Bakers and butchers.....	44	.52	46	.40	39	.39	18	.24
Blacksmiths, etc.....	46	.55	29	.25	33	.33	20	.26
Boilermakers, etc.....	9	.11	6	.05	2	.02	2	.03
Bricklayers, etc.....	33	.39	41	.36	36	.36	29	.38
Carpenters, etc.....	329	3.92	380	3.30	331	3.28	222	2.94
Chausseurs, etc.....	397	4.74	526	4.57	493	4.89	291	3.85
Clerical workers, etc.....	737	8.79	359	3.12	418	4.15	207	2.74
Coremakers, etc.....	52	.62	49	.43	41	.41	24	.32
Electrical workers.....	45	.54	10	.09	11	.11	4	.05
Elevator runners.....	39	.47	90	.78	84	.83	57	.75
Engineers, etc.....	261	3.11	156	1.36	179	1.78	113	1.50
Factory workers.....	234	2.79	119	1.03	99	.98	62	.82
Hotel workers, etc.....	438	5.22	736	6.40	649	6.44	477	6.31
Janitors, etc.....	188	2.24	201	1.75	217	2.15	130	1.72
Laborers.....	2,062	24.60	4,671	40.61	3,588	35.60	3,166	41.89
Machinists.....	318	3.79	347	3.02	321	3.18	199	2.63
Machine hands.....	875	10.44	717	6.23	787	7.81	551	7.29
Messengers, etc.....	78	.93	101	.88	79	.78	42	.55
Painters, etc.....	111	1.32	133	1.16	119	1.18	74	.98
Plumbers, etc.....	72	.86	40	.35	43	.43	31	.41
Polishers, etc.....	34	.41	23	.20	21	.21	14	.19
Porters.....	155	1.85	370	3.22	356	3.53	248	3.28
Printers, etc.....	30	.36	22	.19	20	.20	16	.21
Salesmen, etc.....	376	4.49	464	4.03	477	4.73	291	3.85
Tinsmiths, etc.....	40	.48	25	.22	27	.27	13	.17
Occupations not otherwise classified.....	85	1.01	144	1.25	137	1.36	101	1.34
Total.....	8,383	100.	11,501	100.	10,079	100.	7,558	100.
<i>Syracuse Office: * Females</i>								
Agricultural workers.....	1	.03	26	.41	3	.06	3	.09
Clerical workers, etc.....	848	26.29	547	8.63	655	12.67	340	9.84
Day workers.....	275	8.73	1,789	28.23	1,723	33.33	1,606	46.46
Domestics.....	619	19.65	1,485	23.43	953	18.43	418	12.09
Factory workers.....	431	13.68	658	10.38	451	8.72	260	7.52
Hotel workers, etc.....	748	23.75	1,459	23.02	1,095	21.18	670	19.38
Nurses, attendants, etc.....	125	3.97	100	1.58	87	1.68	43	1.24
Printers, etc.....	8	.25	38	.60	28	.54	18	.52
Saleswomen, etc.....	92	2.92	228	3.60	169	3.27	95	2.75
Occupations not otherwise classified.....	3	.10	8	.12	6	.12	4	.11
Total.....	3,150	100.	6,338	100.	5,170	100.	3,457	100.

\* Includes the sub-office in Oswego for the months of January, February, March, April, May and June, 1917.

Table II-c — NUMBER OF REGISTRATIONS AND RENEWALS, POSITIONS OFFERED, REFERRED AND REPORTED PLACED BY OCCUPATIONS, FOR THE PERIOD OF TWELVE MONTHS, FROM JULY 1, 1917, TO JUNE 30, 1917.

OCCUPATIONS	REGISTRATIONS AND RENEWALS		POSITIONS OFFERED		REFERRED		REPORTED PLACED	
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
<i>Rochester Office: * Males</i>								
Agricultural workers.....	2,268	19.43	2,567	16.42	2,421	16.66	1,433	18.50
Bakers and butchers.....	51	.44	50	.32	43	.26	10	.13
Blacksmiths, etc.....	61	.55	66	.42	60	.42	22	.28
Boilermakers, etc.....	6	.05	3	.02	1	.01	1	.01
Bricklayers, etc.....	33	.28	63	.40	48	.33	31	.40
Carpenters, etc.....	397	3.40	586	3.75	500	3.44	210	2.71
Chauffeurs, etc.....	451	3.86	525	3.36	563	3.88	175	2.26
Clerical workers, etc.....	790	6.77	357	2.28	373	2.57	155	2.00
Coremakers, etc.....	64	.55	59	.38	44	.30	9	.12
Electrical workers.....	58	.50	64	.41	61	.42	29	.37
Elevator runners.....	24	.20	60	.38	72	.50	22	.28
Engineers, etc.....	208	1.78	105	.67	123	.85	58	.75
Factory workers.....	1,158	9.92	543	3.47	409	2.82	185	2.39
Hotel workers, etc.....	749	6.43	1,363	8.72	1,282	8.82	601	7.76
Janitors, etc.....	190	1.63	190	1.22	224	1.54	85	1.10
Laborers.....	2,205	18.89	5,080	32.49	4,469	30.75	3,075	39.70
Machinists.....	360	3.08	349	2.23	362	2.49	126	1.63
Machine hands.....	1,029	8.81	1,195	7.64	1,179	8.12	500	6.46
Messengers, etc.....	140	1.20	324	2.07	240	1.65	91	1.18
Painters, etc.....	128	1.10	92	.59	74	.51	45	.58
Plumbers, etc.....	78	.67	83	.53	84	.58	59	.76
Polishers, etc.....	59	.50	84	.54	83	.57	28	.36
Porters.....	371	3.18	600	3.84	611	4.21	273	3.52
Printers, etc.....	110	.94	206	1.32	167	1.15	69	.89
Salesmen, etc.....	444	3.80	594	3.80	634	4.36	248	3.20
Tinsmiths, etc.....	102	.87	162	1.04	139	.96	67	.87
Occupations not otherwise classified.....	137	1.17	265	1.69	266	1.83	130	1.79
Total.....	11,674	100.	15,635	100.	14,532	100.	7,746	100.
<i>Rochester Office: * Females</i>								
Agricultural workers.....	4	.09	19	.22	2	.03	2	.05
Clerical workers, etc.....	806	17.48	478	5.61	530	7.98	206	4.74
Day workers.....	1,317	28.56	1,634	19.19	1,591	23.96	1,468	33.76
Domestics.....	1,184	25.67	3,751	44.05	2,805	42.25	1,886	43.38
Factory workers.....	604	13.10	1,074	12.61	704	10.60	345	7.93
Hotel workers, etc.....	474	10.28	1,033	12.13	677	10.20	295	6.79
Nurses, attendants, etc.....	50	1.08	26	.31	25	.38	8	.18
Printers, etc.....	33	.71	139	1.63	96	1.45	50	1.15
Saleswomen, etc.....	139	3.01	352	4.14	204	3.07	87	2.00
Occupations not otherwise classified.....	1	.02	9	.11	5	.08	1	.02
Total.....	4,612	100.	8,515	100.	6,639	100.	4,348	100.

\* Includes the sub-office in Auburn from July 1, 1916 to June 30, 1917, inclusive.

Table II-d — NUMBER OF REGISTRATIONS AND RENEWALS, POSITIONS OFFERED, REFERRED AND REPORTED PLACED BY OCCUPATIONS, FOR THE PERIOD OF TWELVE MONTHS, FROM JULY 1, 1916 TO JUNE 30, 1917.

OCCUPATIONS	REGISTRATIONS AND RENEWALS		POSITIONS OFFERED		REFERRED		REPORTED PLACE	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>Buffalo Office: * Males</i>								
Agricultural workers.....	665	4.23	627	4.18	640	4.01	394	3.51
Bakers and butchers.....	17	.11	12	.08	9	.06	8	.07
Blacksmiths, etc.....	33	.21	38	.25	33	.21	12	.11
Boilermakers, etc.....	15	.09	10	.07	11	.07	5	.04
Brioklayers, etc.....	11	.07	10	.07	8	.05	5	.04
Carpenters, etc.....	332	2.11	378	2.52	333	2.09	138	1.23
Chafeurs, etc.....	287	1.82	271	1.81	268	1.68	128	1.14
Clerical workers, etc.....	590	3.75	326	2.17	348	2.18	109	.97
Coremakers, etc.....	53	.34	68	.45	58	.36	22	.20
Electrical workers.....	110	.70	100	.67	97	.61	44	.39
Elevator runners.....	22	.14	58	.39	58	.36	27	.24
Engineers, etc.....	264	1.68	230	1.53	241	1.51	123	1.10
Factory workers.....	139	.88	105	.70	90	.56	55	.49
Hotel workers, etc.....	218	1.39	253	1.69	245	1.54	133	1.18
Janitors, etc.....	133	.84	144	.96	151	.95	79	.70
Laborers.....	10,615	67.50	9,390	62.59	10,611	66.53	8,519	75.82
Machinists.....	347	2.21	422	2.81	403	2.53	169	1.50
Machine hands.....	724	4.60	998	6.65	777	4.87	361	3.21
Messengers, etc.....	8	.05	29	.19	25	.16	10	.09
Painters, etc.....	104	.66	91	.61	93	.58	44	.39
Plumbers, etc.....	64	.41	57	.38	63	.39	30	.27
Polishers, etc.....	39	.25	41	.27	42	.26	24	.21
Porters.....	484	3.08	853	5.69	858	5.38	570	5.07
Printers, etc.....	17	.11	4	.03	6	.04	4	.04
Saleamens, etc.....	251	1.60	201	1.34	210	1.32	99	.88
Tinsmiths, etc.....	98	.62	160	1.07	154	.96	75	.67
Occupations not otherwise classified.....	86	.55	125	.83	118	.74	49	.44
Total.....	15,726	100.	15,001	100.	15,950	100.	11,236	100.
<i>Buffalo Office: * Females</i>								
Agricultural workers.....	3	.09	1	.01	1	.01	1	.02
Clerical workers, etc.....	677	20.50	232	2.58	371	4.39	128	1.95
Day workers.....	617	18.68	5,471	60.86	5,665	67.00	5,168	78.56
Domestics.....	582	17.63	1,655	18.41	947	11.20	565	8.59
Factory workers.....	313	9.48	268	2.98	276	3.26	143	2.17
Hotel workers, etc.....	901	27.29	1,130	12.57	959	11.34	475	7.22
Nurses, attendants, etc.....	135	4.09	95	1.06	90	1.07	40	.61
Printers, etc.....	4	.12	11	.12	10	.12	2	.03
Saleswomen, etc.....	70	2.12	127	1.41	136	1.61	56	.85
Occupations not otherwise classified.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	3,302	100.	8,990	100.	8,455	100.	6,578	100.

\* Includes the sub-office in Dunkirk for the months of July, August, September, October, November and December, 1916.

Table II-e—NUMBER OF REGISTRATIONS AND RENEWALS, POSITIONS OFFERED, REFERRED AND REPORTED PLACED BY OCCUPATIONS, FOR THE PERIOD OF TWELVE MONTHS, FROM JULY 1, 1916 TO JUNE 30, 1917.

OCCUPATIONS	REGISTRATIONS AND RENEWALS		POSITIONS OFFERED		REFERRED		REPORTED PLACED	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>Albany Office: Males</i>								
Agricultural workers.....	1,088	14.72	1,129	18.02	1,026	14.93	707	16.99
Bakers and butchers.....	64	.87	19	.30	34	.49	7	.7
Blacksmiths, etc.....	51	.69	15	.24	21	.31	5	.12
Boilermakers, etc.....	34	.46						
Bricklayers, etc.....	59	.80	24	.38	28	.41	7	.17
Carpenters, etc.....	321	4.34	107	1.71	110	1.80	49	1.18
Chauffeurs, etc.....	553	7.48	187	2.99	271	3.94	123	2.96
Clerical workers, etc.....	694	9.39	102	1.63	293	4.26	40	.96
Coremakers, etc.....	33	.45	4	.06	6	.09		
Electrical workers.....	69	.93	29	.46	42	.61	13	.31
Elevator runners.....	30	.41	13	.21	15	.22	7	.17
Engineers, etc.....	258	3.49	90	1.44	150	2.18	75	1.80
Factory workers.....	324	4.52	130	2.08	123	1.79	61	1.47
Hotel workers, etc.....	847	11.46	1,010	16.12	1,068	15.51	496	11.92
Janitors, etc.....	146	1.98	67	1.07	90	1.31	29	.70
Laborers.....	1,210	16.37	2,404	38.38	2,504	36.43	2,026	48.69
Machinists.....	120	1.62	38	.61	71	1.03	18	.43
Machine hands.....	384	5.20	160	2.56	185	2.69	66	1.59
Messengers, etc.....	19	.26	29	.46	29	.42	6	.14
Painters, etc.....	134	1.81	38	.61	41	.60	24	.58
Plumbers, etc.....	109	1.47	15	.24	25	.36	7	.17
Polishers, etc.....	11	.15						
Porters.....	177	2.40	232	3.70	268	3.90	135	3.24
Printers, etc.....	59	.80	14	.22	6	.09		
Salemen, etc.....	301	4.07	200	3.19	232	3.37	118	2.83
Tinsmiths, etc.....	34	.46	17	.27	32	.46	16	.38
Occupations not otherwise classified.....	251	3.40	191	3.05	206	3.00	126	3.03
Total.....	7,390	100.	6,264	100.	6,874	100.	4,161	100.
<i>Albany Office: Females</i>								
Agricultural workers.....	1	.04	2	.05	2	.06	2	.11
Clerical workers, etc.....	535	19.33	108	2.88	252	7.20	64	3.40
Day workers.....	404	14.60	590	15.75	628	17.93	583	30.98
Domestics.....	616	22.25	1,545	41.26	1,195	34.12	477	25.34
Factory workers.....	225	8.13	302	8.06	237	6.77	113	6.00
Hotel workers, etc.....	752	27.17	890	23.77	849	24.24	440	23.38
Nurses, attendants, etc.....	134	5.56	253	6.76	262	7.48	176	9.35
Printers, etc.....	1	.04	6	.16	5	.14	3	.16
Saleswomen, etc.....	71	2.56	43	1.15	65	1.86	22	1.17
Occupations not otherwise classified.....	9	.32	6	.16	7	.20	2	.11
Total.....	2,768	100.	3,745	100.	3,502	100.	1,882	100.

Table III — REGISTRATIONS AND RENEWALS WITH PERCENTAGES, BY OCCUPATIONAL GROUPS, FOR THE PERIOD OF TWELVE MONTHS, FROM JULY 1, 1916, TO JUNE 30, 1917.

## MALES

CITY	Number of males registered and renewed	PER CENT		
		Skilled work, factory work, clerical, etc.	General labor, day work, casual, messenger and porter	Agricul- tural
Greater New York *	14,986	73.75	22.79	3.46
Syracuse**	8,383	57.17	27.38	15.45
Rochester§	11,674	57.30	23.27	19.43
Buffalo §§	15,726	25.14	70.83	4.23
Albany.....	7,390	66.25	19.03	14.72
Total.....	58,159	53.96	36.01	10.03

## FEMALES

CITY	Number of females registered and renewed	PER CENT			
		Clerical work and saleswomen	Domestics, day workers, nurses, etc.	Hotel, restaurant and institutional work	Factory and all other work
Greater New York *	8,922	32.84	38.04	10.64	18.48
Syracuse**	3,150	29.84	32.35	23.75	14.06
Rochester§	4,612	20.49	55.31	10.28	13.92
Buffalo §§	3,302	22.62	40.40	27.29	9.69
Albany.....	2,768	21.89	42.41	27.17	8.53
Total.....	22,754	27.11	41.63	16.81	14.45

\* Includes Brooklyn, Long Island City, Williamsburg, Mineola and 39th Street, New York City offices.

\*\* Includes Oswego office.

§ Includes Auburn office.

§§ Includes Dunkirk office.

Table IV — NUMBER OF POSITIONS OFFERED WITH PERCENTAGES, BY OCCUPATIONAL GROUPS, FOR THE PERIOD OF TWELVE MONTHS, FROM JULY 1, 1916, TO JUNE 30, 1917.

## MALES

CITY	Number of male positions offered	PER CENT		
		Skilled work, factory work, clerical, etc.	General labor, day work, casual, messenger and porter	Agricultural
Greater New York*	13,432	55.55	89.01	5.44
Syracuse**	11,501	40.54	44.71	14.75
Rochester§	15,635	45.18	38.40	16.42
Buffalo\$§	15,001	27.35	68.47	4.18
Albany.....	6,264	39.44	42.54	18.02
Total.....	61,833	41.66	47.43	10.91

## FEMALES

CITY	Number of female positions offered	PER CENT			
		Clerical work and saleswomen	Domestics, day workers, nurses, etc.	Hotel, restaurant and institutional work	Factory and all other work
Greater New York*	13,693	11.33	59.12	11.44	18.11
Syracuse**	6,338	12.23	53.24	23.02	11.51
Rochester§	8,515	9.75	63.55	12.13	14.57
Buffalo\$§	8,990	3.99	80.33	12.57	3.11
Albany.....	3,745	4.03	63.77	23.77	8.43
Total.....	41,281	8.88	64.17	14.72	12.23

\* Includes Brooklyn, Long Island City, Williamsburg, Mineola and 39th Street, New York City offices.

\*\* Includes Oswego office.

§ Includes Auburn office.

\$§ Includes Dunkirk office.

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Table V — REFERENCES TO POSITIONS WITH PERCENTAGES, BY OCCUPATIONAL GROUPS, FOR THE PERIOD OF TWELVE MONTHS, FROM JULY 1, 1916, TO JUNE 30, 1917.

MALES

CITY	References to positions — Males	PER CENT		
		Skilled work, factory work, clerical, etc.	General labor, day work, casual, messenger and porter	Agricul- tural
Greater New York*	14,761	56.89	38.65	4.46
Syracuse**	10,079	45.49	39.91	14.60
Rochester§	14,532	46.73	36.61	16.66
Buffalo §§	15,950	23.92	72.07	4.01
Albany.....	6,874	44.32	40.75	14.93
Total.....	62,196	42.83	47.17	10.00

FEMALES

CITY	References to positions — Females	PER CENT			
		Clerical work and saleswomen	Domestics, day workers, nurses, etc.	Hotel, restaurant and institu- tional work	Factory and all other work
Greater New York*	13,947	15.14	58.10	11.31	15.45
Syracuse**	5,170	15.94	53.44	21.18	9.44
Rochester§	6,639	11.05	66.59	10.20	12.16
Buffalo §§	8,455	6.00	79.27	11.34	3.39
Albany.....	3,502	9.06	59.53	24.24	7.17
Total.....	37,713	11.91	63.83	13.68	10.58

\* Includes Brooklyn, Long Island City, Williamsburg, Mineola and 39th Street, New York City offices.

\*\* Includes Oswego office.

§ Includes Auburn office.

§§ Includes Dunkirk office.

Table VI—NUMBER OF PLACEMENTS WITH PERCENTAGES, BY OCCUPATIONAL GROUPS, FOR THE PERIOD OF TWELVE MONTHS, FROM JULY 1, 1916, TO JUNE 30, 1917.

## MALES

CITY	Number of males reported placed	PER CENT		
		Skilled work, factory work, clerical, etc.	General labor, day work, casual, messenger and porter	Agricul- tural
Greater New York*	7,233	50.03	42.30	7.67
Syracuse**	7,558	38.98	45.72	15.30
Rochester§	7,746	37.10	44.40	18.50
Buffalo\$\$	11,236	15.51	80.98	3.51
Albany	4,161	30.94	52.07	16.99
Total.....	37,934	32.86	55.95	11.19

## FEMALES

CITY	Number of females reported placed	PER CENT			
		Clerical work and saleswomen	Domestics, day workers, nurses, etc.	Hotel, restaurant and institu- tional work	Factory and all other work
Greater New York*	10,391	8.30	60.65	10.26	10.79
Syracuse**	3,457	12.59	59.79	19.38	8.24
Rochester§	4,348	6.74	77.32	6.79	9.15
Buffalo\$\$	6,578	2.80	87.76	7.22	2.22
Albany	1,882	4.57	65.67	23.38	6.38
Total.....	26,656	6.98	74.20	11.05	7.77

\* Includes Brooklyn, Long Island City, Williamsburg, Mineola, 39th Street, New York City offices.

\*\* Includes Oswego office.

§ Includes Auburn office.

\$\$ Includes Dunkirk office.

Table VII.—COMPARISON OF PERSONS SEEKING WORK AND WORKERS CALLED FOR AT STATE PUBLIC EMPLOYMENT OFFICES: BY MONTHS

MONTH	WORKERS SEEKING EMPLOYMENT — (REGISTRATIONS AND RENEWALS)			WORKERS CALLED FOR BY EMPLOYERS			EXCESS OF	
	Males	Females	Total	Males	Females	Total	Registrations	Workers requested
<i>1916</i>								
July.....	3,213	1,319	4,532	4,263	2,495	6,758	.....	2,226
August.....	3,806	1,447	5,253	4,016	2,902	6,918	.....	1,665
September.....	4,250	1,575	5,825	4,751	3,091	7,842	.....	2,017
October.....	4,447	2,047	6,494	5,442	3,567	9,009	.....	2,515
November.....	4,392	1,872	6,264	4,971	3,409	8,380	.....	2,116
December.....	4,174	1,483	5,657	4,404	2,937	7,341	.....	1,684
<i>1917</i>								
January.....	5,083	2,231	7,314	4,582	3,726	8,308	.....	994
February.....	4,195	1,601	5,796	4,018	2,856	6,874	.....	1,078
March.....	5,135	1,864	6,999	5,113	3,778	8,891	.....	1,892
April.....	6,519	2,374	8,893	6,826	4,059	10,885	.....	1,992
May.....	7,029	2,546	9,575	7,086	4,350	11,436	.....	1,861
June.....	5,916	2,395	8,311	6,361	4,111	10,472	.....	2,161
Total.....	58,159	22,754	80,913	61,833	41,281	103,114	.....	22,201

Table VIII—WORKERS CALLED FOR AND PLACES REPORTED FILLED AT STATE PUBLIC EMPLOYMENT OFFICES: BY INDUSTRIES AND CITIES

MONTH	INDUSTRIES					CITIES					
	Total	Agriculture	Building	Manufacturing and mercantile	Trade and transportation	Domestic and personal service	Greater New York	Buffalo	Rochester	Syracuse	Albany
<b>1916</b>											
July.....	6,758	706	1,416	1,382	588	2,666	*1,863	111,564	**1,858	703	770
August.....	6,918	368	1,504	1,222	515	3,219	*1,890	111,757	**1,602	905	764
September.....	7,842	392	1,818	1,399	736	3,497	*1,911	111,966	**1,681	1,320	864
October.....	9,009	496	2,074	1,614	784	4,041	2,495	112,118	**2,362	1,236	838
November.....	8,380	189	2,770	1,778	701	3,542	2,388	112,345	**1,752	1,207	688
December.....	7,341	194	1,744	1,589	698	3,116	*1,896	111,923	**1,744	1,209	570
<b>1917</b>											
January.....	8,308	267	1,552	2,204	651	2,565	*2,614	111,786	**1,828	111,342	793
February.....	6,874	329	1,187	1,914	457	2,987	*1,728	111,796	**1,562	111,265	503
March.....	8,891	708	1,373	2,129	744	3,937	12,051	111,801	**2,387	111,896	743
April.....	10,885	667	2,531	2,143	737	4,807	12,507	111,816	**2,386	111,929	836
May.....	11,436	975	2,367	2,236	830	5,128	12,852	2,475	**2,526	111,209	1,374
June.....	10,472	1,579	1,790	1,953	627	4,523	12,970	2,069	**2,312	12,048	1,073
Total.....	103,114	6,870	21,516	21,563	8,088	45,077	27,125	23,991	24,150	17,839	10,009
<b>PLACES REPORTED FILLED</b>											
<b>1916</b>											
July.....	3,685	426	733	568	254	1,704	*1,685	111,052	**663	501	354
August.....	4,379	265	1,007	654	289	2,674	*1,601	111,222	**873	647	437
September.....	4,755	293	1,185	571	332	2,371	1,185	111,221	**890	734	426
October.....	5,671	324	1,398	741	360	2,848	*1,601	111,581	**1,183	790	516
November.....	5,225	128	1,412	869	317	2,499	1,477	111,472	**622	905	449
December.....	4,763	120	1,299	731	361	2,252	*1,296	111,428	**370	745	424
<b>1917</b>											
January.....	5,242	123	1,227	977	367	2,548	*1,624	1,360	**412	111,118	465
February.....	4,531	152	974	854	220	2,631	*1,74	1,331	**793	111,166	367
March.....	5,325	320	1,125	990	384	2,606	1,401	1,391	**1,037	111,091	405

April.....	6,578	476	1,455	939	380	3,328	11,698	1,727	**1,325	11,231	597
May.....	7,596	646	1,787	1,042	428	3,693	11,731	2,170	**1,343	11,448	904
June.....	7,140	1,019	1,437	984	362	3,338	\$2,122	1,829	**1,163	11,339	687
Total.....	64,590	4,292	14,939	9,020	4,054	31,385	17,624	17,814	12,094	11,015	6,043

\* Includes Brooklyn and Williamsburg offices.   † Includes Brooklyn, Williamsburg and Long Island City offices.   ‡ Includes Brooklyn, Williamsburg, Long Island City, Mineola, and 34th Street.  
 Long Island City and Mineola offices.   § Includes Rochester and Auburn offices.   || Includes Buffalo and Dunkirk offices.   ||| Includes Syracuse and Oswego offices.

**(2) REPORTS OF SUPERINTENDENTS OF OFFICES****(A) GREATER NEW YORK OFFICE — BROOKLYN**

*To the Director:*

One fact to which we wish to direct special attention in the report of the Greater New York (Brooklyn) office for the year ending June 30, 1917, is the establishment of the employment office in new quarters. Nothing in the form of statistics of jobs obtained nor of letters of praise from employers can compare with the everyday silent testimony which is given by this new temple of labor to the hundreds of workers and employers who daily admire it in passing.

Times and opinions have changed since the public employment office first came to Brooklyn. Less than three years ago few landlords cared to accept it as a tenant. There was the fear that the office would be a lounging place for undesirables. Temporary quarters were secured in an old bank building at 262 Fulton street. In that building there were undesirable features and inconveniences with which to contend, yet the office proved its worth. Eventually the office attracted the attention of real estate agents as a desirable tenant and arrangements were made for a building to be erected and equipped for its use. In the last week of June, 1917, the employment office moved to its new home.

The building is of brick and stone construction, of attractive design, and occupies the northwest corner of Jay and Johnson streets. The women's department occupies the second floor, which is reached by a separate entrance at 83 Johnson street.

The first floor contains the administration office and employers' room (with an entrance at 83 Johnson street), and the men's departments. There is an entrance for skilled workers (mechanics, clerks, etc.), at 312 Jay street. For unskilled men (laborers, farm hands, restaurant helpers, etc.) there is an entrance at 308 Jay street. The lighting, heating and ventilating facilities are excellent, and the rooms are kept clean and attractive. We know of no public employment office in the United States with better

facilities for its applicants or more attractive arrangements for its office staff.

The office is in a central location, within five minutes' walk of Borough Hall and of all the principal subway, surface and elevated car lines. No better site could have been secured at a reasonable rental.

Until a few months ago, labor conditions were not radically different from those existing last year. The entrance of the United States into the world war has brought about important changes in the ages, hours, and wages of workers. The period of readjustment is only beginning and it is, therefore, too early to forecast its extent and significance. It is likely that thousands of young men will enlist or be drafted to the colors. Even now, there is a call from employers for men above the draft age of 31 years. Following the example of European countries, efforts may be made to replace men with women in certain lines of work. It is hoped that men of special mechanical skill will be exempted from the draft so long as they are employed on necessary war work.

The demand for clerical workers increased during the past year. Office boys have been scarce and receive at least \$8 a week. They refuse to hold a job for more than a few months, unless they are given increased wages. Middle-aged men no longer find it so difficult to obtain clerical work. They are sought for by employers who do not wish their business organizations interfered with by the war draft.

Hotel and restaurant help is not abundant, but may be had at increased wages. Superintendents of large office buildings are compelled by the scarcity of workers to raise the wages of elevator operators, porters and cleaners.

The wages of unskilled laborers continue to rise. It is almost impossible to get men to do the work formerly done by strong Italian or Polish laborers. There is a sufficient supply of men for ordinary laboring work, but it shifts from place to place, seeking the additional cent an hour or a bonus. This office is sending hundreds of laborers to cantonments, such as Yaphank, at  $37\frac{1}{2}$  cents an hour.

Building and construction work for private use has not been

as heavy as it was last year. The building of army camps this spring gave employment to every carpenter or helper who wished to take it. Electricians, plumbers, pipefitters, and tinsmiths also found more or less steady employment at camp construction or other government work.

The manufacture in this country of war materials for the Allies was almost completed when this country entered the war. Shop mechanics have never had as good wages as they received this year and this spring it appeared as if they might be compelled to look for jobs other than war work. They have, however, continued their employment on contracts for our own government. As there will probably be a great scarcity of expert machinists, tool and die-makers and instrument makers, it would seem advisable for the government, or for private manufacturers, to establish shop instruction schools to train likely machinists in the skilled branches of the industry.

Workers in the wholesale and retail trades are all busy and receiving higher wages. Those department-store employees who have had long hours are obtaining employment with firms working shorter hours, and there is a slight scarcity of department-store packers, deliverymen and helpers. Similar conditions prevail among express companies.

The supply of farm hands has been about the same as last year, but a shortage is feared on account of the war. Farmers have offered as high as \$40 a month with room and board for experienced men. The sub-office at Mineola has been reopened this spring and this office is working in cooperation with the Long Island Food Reserve Battalion. This is a volunteer organization which has established a system of boys' camps on Long Island. Each camp contains about fifty high school boys who, in squads of seven or more, work by the day for farmers in the vicinity. The boys are doing good work planting, weeding and thinning crops. This is an excellent attempt to convince the farmer of the feasibility of using boys for farm work.

The principal need of the office at this time is additional placement clerks. The superintendent and his assistants have little or no time to visit employers for the purpose of securing orders and explaining the work of the office. Several of the most repre-

sentative firms in the country have been persuaded to use the office regularly, after the superintendent had convinced them,—first, by a personal talk, and later by sending efficient workers,—that the office was able to supply, not merely laborers but good mechanics and excellent draftsmen, stenographers, bookkeepers, and civil engineers. New York City is so large in territory, has so many employers and so many thousands of workers, that there is urgent need of continual publicity to make the State Public Employment Bureau well known.

RICHARD A. FLINN,  
*Superintendent*

(B) WOMEN'S DEPARTMENT OF THE GREATER NEW YORK OFFICE —  
BROOKLYN

*To the Director:*

The year ending June 30, 1917, was a chaotic period in the labor market for both men and women. Stable trades became unstable, seasonal trades were busy the year round or stopped short long before their scheduled time. In some industries seriously affected by the war, women were thrown out of their usual employment. Other trades met a period of prosperity and needed large numbers of additional workers. No one could foretell what trades or shops, if any, would require labor the following week.

As a result, the women's department in the Greater New York office has had for one of its main problems the direction of workers experienced in one line into other lines. For instance, sales clerks, milliners, candy makers, and women in the garment trades such as the underwear and dress and waist industry, found demands for their work greatly reduced. Employers, on the other hand, were clamoring for workers in other lines, as for instance, in the metal trades and the making of army uniforms, canvas goods, and other army supplies and sweaters and knit goods.

In spite of a period of prosperity, the Department had an increased registration of applicants. Some had been laid off; others used the opportunity of many openings to better themselves. Sometimes, exaggerated newspaper reports about abnormally high wages and great scarcity of labor led women to leave satisfactory positions, with high hopes of getting more wages, only to meet

with disappointment. Periods of prosperity are always accompanied by great shifting of workers from shop to shop, in hope of higher wages. The war situation increased this tendency, with depression in some industries because of lack of raw materials, and expansion of other industries, upon the entrance of the United States into the war.

There has been a demand upon the Department for readjustment both within the same industry and between industries. This year has especially emphasized the advisory function of employment bureaus and the need of fuller knowledge of the qualifications and demands of various industries, in order to advise applicants about lines of work where their past experience will be most valuable.

The Department has tried to meet a similar need for large numbers of women who have had to become wage earners because of withdrawal of other wage earners into the war, or increased cost of living. The women are usually an older group, and many have had no previous experience, so that their problem is somewhat difficult.

The demand for trained labor exceeded the supply during this period both in industrial and commercial fields. There was a great scarcity of stenographers, due in part to an extraordinary demand on the part of the Federal government. The demand was especially great for the \$12-\$18 a week grade. The extraordinary demand led to great activity on the part of business schools to increase their number of students, by offering short courses. As a result, the market has been flooded with inadequately prepared "stenographers" of poor quality. This experience emphasizes the need of legal standardization of the entrance requirements and curricula of business schools.

In the placing of stenographers as well as bookkeepers and clerks, the Department has required, whenever possible, testing of all applicants by the Extension Rooms for Commercial Workers under the Board of Education. By pointing out the need of further training, we have attempted to help the unskilled clerical workers, of whom there is always an over supply. The problem that they present (both boys and girls) is one that will have to be met by juvenile departments, through urging them into other

lines of work or inducing them to better preparation in the clerical field.

Although the women's department has had several large orders for women from out of town firms, we have had practically no success in filling them. There is a mistaken idea that woman labor can be drawn from New York City. The great majority of women are living at home and contributing to the family support, and as a rule the wages offered and conditions of employment are no better than those in the city.

The scarcity of domestics led to an increase in the demand for day workers. The domestic scarcity was somewhat relieved by the great influx of colored women from the South and West Indies. Newspaper reports of high wages caused many colored families to migrate to the North. As the husbands found many opportunities closed to them because of their color, their wives were forced to seek work.

The problem of the colored woman worker is serious in New York City. Practically all lines are closed to them except domestic work. At times employers will admit them but usually at lower wages, and at work for which it is difficult to get white help. Moreover, as soon as white help is available, the colored is laid off. The problem of extending the field of employment for colored girls needs serious consideration.

During the spring of 1917, the women's department cooperated with the Standing Committee on Agriculture of the Mayor's Committee of Women on National Defense in the working out of plans for placing women in agricultural work. By the end of June the unit plan had been developed, whereby groups of ten to twenty women were sent to the country, and several units are already at work, especially in the fruit section around Milton, N. Y. The work was undertaken as an experiment to demonstrate the usefulness of women in this work, their readiness to undertake it, and the willingness of farmers to employ them.

During the year, the Department has continued active cooperation with other non-commercial employment agencies and organizations. In the early Spring at a conference of representatives from all agencies handling day workers, a minimum standard wage of \$1.75 a day was agreed upon. In another conference

called to consider the serious shortage of domestic help, plans were considered for relieving the situation by proposing to employers that they use women who must return to their homes at night, and part time workers.

The Department also cooperated closely in the establishing of the Women's Employment Clearing House under the Mayor's Committee of Women and has been represented at conferences called for the purpose of maintaining industrial standards during war times.

The work of the Department demonstrates the possibility of a public employment bureau becoming an influential factor in a community in many other ways besides bringing together workers and employers.

In its direct contact with workers and employers, it is better fitted than any other agency to know labor conditions and needs, and to participate in movements for readjustment, improvement of conditions, and even the organization of new agencies to meet special industrial needs.

Louise C. Odencrantz,  
*Superintendent, Women's Department*

(C) ALBANY OFFICE

*To the Director:*

Herewith is respectfully submitted the report on the work of the Albany office of the State Bureau of Employment, for the year ending June 30, 1917.

The year was noted for an abnormal demand for all classes of help and a meagerness of suitable supply. At no time nor in any craft, was there for long an over-abundance of available workers, nor was there any noteworthy idleness observed in the immediate vicinity of Albany except in one industry—that of building and construction work. During the summer and fall of 1916 and the winter of 1917, many large construction jobs kept the workers of this kind busy until the jobs were completed in the late winter. Spring opened poorly, however, and in May and June unusual idleness was noted. Very little new work was started in this section and we had a good supply of this kind of help on hand. We were instrumental in directing many carpen-

ters, plumbers, bricklayers, etc., to work in busier parts of the state, and aided much in overcoming idleness here. With the exception of these building and construction workers every able-bodied man, skilled or unskilled, could soon find a job. One demand which remained strong throughout the year was for laborers to do heavy work in factories, mills, railroad shops, excavating and construction work.

The declaration of war seemed to create new activities and an urgent demand for all kinds of help. The office proved very serviceable in numerous ways. Recruits were directed to the offices of the Army, Navy and Marine Corps and the local Depot units, and many were accepted into service. Recruits who were rejected on account of some minor physical trouble were sent to us and we placed them at work. Calls were received for all kinds of help to fill vacancies caused by young men enlisting in the service. Carpenters were furnished to build camps; cooks and assistant cooks to serve soldiers in training; stenographers and clerks to aid in the military census; farmhands, farm laborers and farm cadets to assist in the planting, cultivating and harvesting of the increased farm crops; shipbuilders and iron workers to build the new merchant marine; machinists and machine hands to manufacture ammunition; and factory and mill hands to make military equipment. At times, everything seemed to be in some way connected with the war.

As soon as the draft law became effective, large corporations began to increase their office force, especially taking on girls who were to replace the male clerks who would be taken. This office furnished much of that class of help.

The demand for female factory hands was strong throughout the year; especially in those plants which were engaged in supplying the government with some sort of munitions of war. During the spring when volunteers were called for and the National Guard entered active service, wives, sisters and mothers, dependents of those who went into service, came to this office looking for advice and work; and many were directed to profitable positions. At the same time, many vacancies caused by clerks, mechanics, and factory hands entering service, were filled by the office.

During the summer of 1916 the usual summer resort problem was very much to the front. The scarcity of this kind of help caused an increase in wages paid by hotel proprietors. At the same time, city restaurants and hotels suffered and also were forced to increase wages. At the beginning of June, 1917, it appeared there would be another big demand for summer resort help, and that to obtain the same, the hotel people would have to again slightly advance the wages.

Farmers inquired as early as February as to the supply and the wages of farmhands. We advised them to take the first good men presenting themselves and pay the spring wages even if that season was a month or so off. Many heeded this advice and their foresight and fairness enabled them to begin their spring work on time, and they were untroubled by the lack of help when they needed it most during June and July. Others delayed until just before the time they needed help, only to find the poorest kind available while wages had advanced. Others spent much valuable time and money, bargaining until they found men who would work cheap. Usually these men worked until the middle of June and then quit the job to hire out in better paying places leaving the farmer liable to a greater loss than if he had paid the prevailing rate at the start of the season.

The farm help problem was given special attention by the office. We established farm hours daily from 10:30 to 11:30 in the morning and from 2:30 to 3:30 in the afternoon. At these times, agents of the farm bureaus and representatives of the Food Supply Commission called here to select farm hands for their particular localities. Shipments of men from the New York office of the Food Supply Commission were received at this office and then distributed to parts where they were most needed in the Albany district. This co-operation called for much increased work in the office. A special farm clerk, who could have handled all the farm work of the office, would have been of great assistance to the office. The State Bureau of Employment was of much help to these agricultural agencies, inasmuch as its offices were the only state offices which were experienced in labor problems and had available the facilities and equipment for handling and distributing labor promptly and efficiently.

At our suggestion, the Farm Cadet Bureau of the State Military Training Commission established itself in a part of our office. We co-operated in many ways and assisted them in devising practical methods of finding opportunities and applicants, and of recording their work. At the same time, the Cadet Bureau aided and helped us in carrying on our own work, especially in relation to the farm problem.

Our Advisory Committee was organized in March, 1917. The committee is made up of prominent citizens affiliated with important businesses, industries and labor organizations, and all are interested in the many problems which surround the work of the Employment Bureau. It is hoped that through their advice and assistance, the office will grow in popularity and secure a firmer foothold as a necessary state institution.

We have made arrangements with the director of the School of Practical Arts of the New York State College for Teachers to find part-time work for those students who are taking instruction to become technical teachers. The plan consists of taking students in couples and finding a shop which will be able to use one man in the morning and the other in the afternoon. In this way, the student will be getting shop practice during one-half the day while he will be at study the other half; at the same time, the employer will receive service equal to a whole day's work. The object of this scheme primarily is to afford these men actual shop experience which is invaluable to a trade teacher, and at the same time to assist them in financing their education. The trade subjects which they are taking up include cabinet making, pattern making, foundry, forge, machine shop, plumbing, sheet metal work and electrical wiring. The students range from 20 to 30 years old. The wage expected will be that of an apprentice of equal experience. This scheme will be put into effect when the school opens for the fall season, and will be a part of our juvenile placement department work.

We must again report very little canvassing of plants and offices during the year. While we never lacked for a demand, still it is essential that some canvassing be done and first hand information obtained of the wants of the different employers in the territory covered by the office. Immediate and pressing work, how-

ever, which was always at hand, confined the members of the office staff to inside work and very little field work could be done. During May and June, our work was the heaviest and much overtime was necessary to complete our day's work. At that time, more than ever, we were handicapped by the lack of help in the office. Another male clerk, at least, is an actual necessity in this office if we are to serve all our territory with thoroughness. Another feature which can not be fairly developed on account of lack of help, is that of establishing co-operating offices in the nearby cities of Troy and Watervliet. Schenectady has a municipal office, but it does not seem able to rise to the opportunities presented for good work. The private employment offices of the General Electric Company and the American Locomotive Company seem to control the labor situation. Contact with outside agencies would help our office. Close co-operation with the state office and frequent visits by a state representative would promote both the state and the municipal offices. In order to develop a scheme of co-operation between suboffices in these neighboring cities, an assistant is needed who can visit them regularly, and organize and co-ordinate the work along the same methods used by the state offices.

The need of the office was tested during the last year when prosperity reigned, just as it was tried out in the times of idleness prevailing at its organization. It proved valuable and necessary in both instances.

DANIEL A. HAUSMANN,  
*Superintendent, Albany Office*

(D) SYRACUSE OFFICE

*To the Director:*

Herewith is respectfully submitted the report of the Syracuse office of the State Public Employment Bureau for the year ending June 30, 1917.

This year the war has witnessed the enlarging of the scope of activities of this Bureau. The most outstanding feature of the work of this year has been the aid we have rendered the Federal government in the location and selection of skilled workers for ship yards and machine shops. Much of this skilled labor was

practically unknown before—that is, the decline of shipbuilding had thrown many of these shipwrights, ship fitters and ship carpenters into other trades and industries, but the call of the office at the request of the Federal government brought these men to the front, and they are now working at building ships to carry food and supplies to Europe.

In response to the call of the Government for food production, farmers in this locality made preparations to increase their acreage, and naturally looked to the office of the State Bureau for the help which would enable them to accomplish their purpose. The Syracuse office came prominently to the front at this time, and was made the center of the activity of all this important war time work. The census of the county which was taken by the school children under the direction of the Farm Bureau was turned over to this office. The Farm Cadet Bureau was very properly located in this office. The superintendent of the office was given a place on the County Committee for food conservation and production, and took a part in the various conferences which were held under the direction of the Commissioner of Agriculture. By holding farm days, by giving wide publicity to the needs of the farmers, and by paying special attention to these needs, the Syracuse office was able to supply, to a large extent, the call for farm help during the important period of plowing and planting.

The State Food Commission placed in this office a graduate of the State Agricultural School at Syracuse who became manager of our farm department, and who gave his time exclusively to this work. The Syracuse office has placed as high as thirty-two farm hands in one day, and has made a name for itself as the most successful farm placement office in this locality.

The Syracuse office has been able to speed up production of war materials in other lines by paying special attention to all those industries that were doing Government work.

During the year a branch office has been opened in Oswego. This office is in its infancy, but promises to become an important factor in the business life of the little city of Oswego. As yet, its work has been largely educational.

This has been a year of great industrial activity along practically every line and the supply of trained workers has been far

short of the demand except in the salesmen and clerical lines. The office has proved itself in distributing quickly and without loss of time or energy, the available workers. Many thousands of men could have been placed in addition to those that were placed had they been available. In fact, one of the chief functions of the Employment Bureau is coming to be this distribution of workers, the office being a central point of call and registration. The office has gained for itself recognition as a central place of registration and call, and a better class of workers have used the office this year than in the year previous. We are getting into the consciousness of a larger number of employers, and practically every firm in the city is using the office to a greater or less extent.

One of the problems of the office during the year has been what to do with the unskilled, light weight young man of from 17 to 26 who says he can do anything, but who is absolutely unfitted to do anything. In other words, the need of vocational guidance at an early age is shown to be an absolute necessity, and we hope the day will come soon when attention will be given to this in the schools, and a vocational guidance bureau established in connection with the State Public Employment Bureau.

In our Women's Department we have made marked progress. We now have a separate entrance for women, a lack which handicapped us during the first one and one-half years of our existence. Partly because of this separate entrance we are getting a higher grade of women workers; in fact, we are getting practically all of the women workers of the city of all grades. The tremendous war activity and the apparent shortage of men has led to the substitution of women in men's places in some of our local shops and factories. In two of these factories at least, large numbers of women have been hired, not young girls but mature women of from 25 up, some of whom have never worked before, and some not in several years. These women have felt the necessity of supplementing the family earnings because of the high cost of living, and are proving very efficient workers. They are compelled to wear men's garb in the machine shops, and are receiving men's wages. They are proving apt and efficient workers.

As regards domestics and day workers, the office has placed

every available woman. There is a tremendous shortage of workers of this type. Many who formerly did domestic work have gone into factories and shops. The situation seems hopeless.

In the clerical and stenographic line, the office has a monopoly, and practically every stenographer and bookkeeper in the city is using it—women of splendid ability in many instances. By co-operating with the Sociology Department at the University, the Women's Department has been able to place several social workers in and out of the state.

The Women's Department has been used as a training school for a large corps of volunteer workers. Girls have come to us for experience in office work, many of them college graduates, and after spending a few days or weeks with us have gone out to accept good paying positions in the industrial world. In fact, the intense activity of the early spring necessitated additional office help for the office and this was met by an appeal for volunteer workers. Sometimes we have had as high as seven volunteers at one time assisting in the work of the office.

As we face a new year, the experience of the past year leads us to make the following recommendations in order that we may cope with the situation in this city and carry on the work of the office with larger efficiency.

First: A larger wage for the employees of the office, especially in the Men's Department. The wage offered at the present time is such that it does not appeal to the type of men that we need to efficiently carry on this important work. We have lost several of our best men who have gone out into private industry at wages at almost double what they were receiving here. The wage scale for the office should be graduated. There should be, at least, one chief clerk in the Men's Department receiving a larger wage than the others, who could be held responsible for the work of that Department. Beginners should receive less than those who have been here a year or two years. Some advancement should be held up to those who remain in continuous service, giving them something to look forward to.

Second: The Men's Department needs at least one more clerk.

Third: The office is greatly handicapped by a lack of filing cabinets and equipment. Many of our records are being kept in shoe boxes and improvised cabinets.

Fourth: The office needs one extra filing clerk to do all the filing and statistical work of the office. Our filing system at the present time contains more than 125,000 cards, and with everybody handling these files, more or less error and confusion results.

Fifth: The office needs an interpreter speaking at least the Polish, Russian and Italian languages.

Sixth: The office should have a first aid cabinet. With from 400 to 700 people a day visiting the office, many times the occasion arises for the use of such a cabinet as this. A rest couch should be provided in the Women's Department, and during the year we have found several times when the need for this was almost imperative.

If the Legislature can be induced to give us some or all of these things for which we ask, we see no reason why the next year should not show as much or a larger increase in business done as this year has shown over the last.

W. T. CLEMENS,  
*Superintendent*

(E) ROCHESTER OFFICE

*To the Director:*

With the continuance of the scarcity of workers in many skilled trades, the Rochester office of the State Public Employment Bureau has been of great assistance both to workers and employers during the past year. It has advised the former with reference to the best positions and put the latter in touch with any workers that were available. The office is now regarded not only as a job clearing house, but also as an information bureau from which data concerning wages, hours of labor, trade conditions, etc., can be obtained.

It has taken a definite campaign of education to convince the worker that this is a public office which, like the public school, is maintained for his benefit. The same method was necessary to demonstrate to the employer that our office is capable of handling and does handle high grade men and women. This result has been accomplished in two ways.

In the first place, regular weekly reports of trade conditions as shown by the demand and supply at the Public Employment Office, have been prepared and published in the daily papers. In

these articles attention has been called to the high quality of position listed here, and examples of current opportunities mentioned. In addition, newspapermen have been furnished with liberal copy concerning the plans and operation of the office.

Through a special agreement a local morning paper now publishes without charge in its want columns, a daily list of positions that are open. Workers are thus advised of the needs of the office and are saved the waste of carfare to obtain the information. In like manner, the employers are constantly reminded of the variety of occupations that we handle.

Early in the fall, we initiated an Employment Managers' Lunch Club, which is attended by the employment managers of the principal plants in the city. While the primary object was to create an informal organization for the discussion of employment problems, the club has also produced a more friendly feeling toward this office.

As a result of these efforts, the quality of workers applying at the office has greatly improved. Likewise the positions listed show a far greater degree of confidence on the part of the employers.

On April 1, 1917, the Women's Department was moved into two large and convenient offices which are about six blocks from the Men's Department. By this change, we were afforded space to divide our Men's Department into skilled and unskilled sections. These improvements have materially increased the efficiency of the office.

During the entire year, the Men's Department has experienced considerable difficulty in finding skilled mechanics and husky laborers for construction work. In a few lines there was a lull which gave us a number of men, who while skilled, lacked the required training for the available jobs. Furthermore a large munition factory in this city finished a contract and laid off a large number of men who had been making big wages running special machinery. The skill acquired in this work was of little value in any other machine shop. Furthermore the other employers refused to hire any munition workers. They were afraid that such men would not be satisfied to work at wages paid by other industries.

It has been almost impossible to find good husky laborers, consequently employers have made special efforts to retain capable men by providing regular employment, good working conditions and satisfactory wages. In many cases, long before one job was finished another contractor had made arrangements to have the men transferred to him as soon as they were laid off.

Early this spring, when the agitation for increased food production began, we realized that labor was the biggest determining factor in such a movement. We, therefore, undertook a campaign to encourage every man who had ever had farm experience to return to the country. In order to secure the co-operation of the manufacturers, we succeeded in getting a subcommittee on farm labor appointed by the County Home Defense Committee. Included in the membership were representative business men, farmers, professional men and employment managers.

Impressed with the gravity of the situation, the committee accomplished the following results:

1. Secured an agreement from the employers of the city (a) not to hire men with farm experience between April 1 and November 15; (b) to release as many men as possible both for the season and during the harvest period; and (c), in hiring men in the fall, to give the preference to men who had worked on the farms during the summer.
2. By a wide campaign of publicity, encouraged a "back to the land" movement. Half page advertisements, calling attention to the opportunity for patriotic service on the farm, were inserted in all local papers.

The committee on co-operation with our office opened a "Farm Recruiting" office at the headquarters of the County Home Defense Committee. We furnished the forms and supervised the operation of the office while the committee supplied the necessary clerks. From the time of its establishment (May 10), up to July 1, this office did the following business:

Registrations for work .....	447
Orders from farmers .....	458
Applicants referred .....	488
Applicants hired (number reported up to July 1).....	229

The great value of this movement was the effect upon both the city employers and farmers. The manager of one large corporation made the remark that he had "never before realized the seriousness of hiring farmhands for city jobs." The farmer, too, has forgotten some of his former antipathy toward the "city man" who wanted to help on the farm.

During the past year there has been considerable agitation concerning the substitution of women for men. Alarmed by the possible withdrawal of a large number of their male employees through the operation of the draft, many factories started to hire girls in order to train them for the men's jobs. This resulted in a shortage of factory workers, so that it has been easy to place any girl that applied (including married women) who had previously been difficult to place.

The demand for both men and women for clerical work has shown some improvement over last year. The office listed a number of high grade positions for technically trained men and women, such as (1) factory superintendent, \$4,000 per year; (2) efficiency engineers, \$2,500; (3) managers of cafeterias, \$2,000; (4) foreman and foreladies; (5) private secretaries; (6) accountants, etc. The demand for male stenographers has been very heavy with few applying. On the other hand, the office has had comparatively little difficulty in filling female stenographic positions, many of which paid unusually high salaries.

The young man or woman without commercial training but with experience along some special line of office work has been extremely hard to place. The number of such applicants has at all times been much greater than the demand. In co-operation with the local representatives of the manufacturers of dictating machines, we have enabled many typists to learn to operate them and thus secure positions which pay nearly double the amount received by regular typists.

We have extended our plan of co-operation so as to include all organizations in the city which are interested in employment problems. We now keep in close touch with the typewriter companies so as to exchange lists of available stenographers. We have frequently notified other offices of the Bureau with reference to positions involving technical knowledge or applicants in the

professional class. Owing to the heavy local as well as general demand for skilled mechanics and laborers, we have not transferred many such workers from one city to another. We have found, however, that the state system of employment offices has been extremely valuable in securing positions for professional workers, in all parts of the state.

HARRY C. TAYLOR,  
*Superintendent*

(F) BUFFALO OFFICE

*To the Director:*

The period from July 1, 1916, to June 30, 1917, embraces twelve months of extraordinary industrial activity in Buffalo, as in every manufacturing city in the country. It was, accordingly, a year of exceptional activity for the Buffalo office of the State Bureau of Employment. With a vastly increased and at times clamorous demand for labor of all kinds, our office underwent a certain change of status in the public eye. Whereas, in the past we had been viewed as a sort of harbor of refuge for the unemployed; we now find that many employers turn to us as a source of supply. In other words, we have assumed a place of primary importance to the employer, and secondary to the employee.

This transition from an era of jobless men to one of menless jobs brought difficulties exactly inverse but quite as acute as those encountered in the preceding year of industrial depression. We had no magic by which to promptly produce an unlimited number of skilled workmen; we could not muster over night a host of farm hands to fill depleted agricultural ranks. We could and did, however, ameliorate conditions by distributing quickly and effectively the available labor supply, and directed such supply into channels feeding the most essential industries. The value of this work can be realized only by those aware of the enormous economic waste in the aimless labor shifting coincident with industrial prosperity.

But the conditions mentioned were extremely favorable for gaining recognition from many new employers, and further entrenchment in the confidence of employers already patrons of the office. Many employers who have held aloof, or who have

been but passively interested in the office, now turn to us in the stress of changed conditions, and the cordial relation thus established we hope will remain a permanent and mutual asset. The list of employers now using this office includes practically all the large industrial concerns of Buffalo, something over 1,200 manufacturing firms and 8,000 individual employers.

This enlargement of our field of activity by the acquirement of new employer patronage and the constantly augmented supply of applicants through the spread of knowledge among the general public of the existence and scope of this office, brought a greatly increased volume of routine work and emphasized the fact that our office force is too limited to properly handle the work at present or keep pace with the desired development in the future.

A very gratifying development of the work in this office has been the gradual improvement in the class and type of applicants. Real artisans, skilled mechanics, intelligent workmen, clerks and even professional men appear daily before the placement desks in search of work, or, as is frequently the case, for information such as only this office can furnish. This improvement is due, in part to the arrangement with the Federal Employment office whereby the latter handles the common labor, in which group there is always a large percentage of transients, derelicts and loafers, hoboes and ne'er-do-wells. It is, however, due to a greater extent to a strict adherence to the rule of "fitness first," in referring applicants to positions. No other single factor can do as much to gain and retain the confidence of employers or more forcibly impress and appeal to the worthwhile workman—the really efficient employee.

A very valuable bit of newspaper co-operation was secured during the year when the Buffalo Evening Times agreed to publish free a daily list of the positions open at this office. This service keeps our office in the public eye and furnishes a vehicle of communication with the field of supply which would cost several hundred dollars annually, on a paid basis.

Another agency that has been instrumental in adding to the effectiveness of our work is the Employment Supervisors Association. This organization, mentioned in a previous report, has developed and grown during the past year, until it now includes

the representatives of nearly all the large manufacturing plants in Buffalo. This office, through the superintendent, who is a member of the organization, is constantly brought in personal contact with various members in discussion of employment problems, and has been able to bring about much closer relations with the big industries than would otherwise be obtained.

The usefulness of this office is not confined to the labor and industry of Buffalo. The records will show a large increase in number of placements in agricultural work within a radius of fifty to seventy-five miles from the city. The various farm bureaus in the district adjacent to Buffalo depend largely upon this office for their supply and we have upon our list a large number of farm owners who obtain their help direct from us. With the entrance of this country into the war, and the consequent vital importance of agriculture at this time, the handling of farm help will shortly assume a place of special significance in the work of this office. Before the spring of 1918 the office force should be increased so that one man can be detailed to this work to devote his entire time in securing and placing farm help. By utilizing the machinery of this office in conjunction with an aggressive campaign, such an assistant would be able to recruit a large number of farm hands from the nonessential industries.

The Women's Department has kept pace with the Men's Department in the steady increase of registrations and placements. It is now performing a distinctive service to the public, and with the increased demand for female workers in various industries, the range of work will broaden greatly during the coming year. Handling domestic help still forms the largest single function in this Department. In order to meet the high cost of living, many women, homemakers themselves, have been forced into domestic service for two or three days each week. The same reason has impelled many householders to curtail the expense of keeping steady help, and they now employ casual domestics. Our Women's Department is the medium of help in this new scheme of domestic economy.

This office is now firmly fixed as a valuable governmental agency. It has come to be accepted by the employers, employees and the general public as a most essential service. To maintain

this position of utility in the tremendous impetus generated by war conditions, to handle efficiently the fast increasing volume of work, even under normal conditions, there should be an immediate increase in our office force. At least two additional placement clerks are needed in the Men's Department. This addition would allow time for some important field work, to the end that we could make and maintain a complete survey in Buffalo of industrial conditions relating to employment matters. Our office should be at all times equipped with up-to-the-minute information as to the kind and amount of help employed in every manufacturing plant in the city, the general working conditions therein, the prevailing rates for board and house rent in different sections of this city—in short with everything of this nature which can add to our usefulness in the employment field.

The field is so broad, the possibilities for advancement, improvement and enlargement are so great, that an immediate liberal policy in the matter of personnel and equipment should be adopted.

V. A. ZIMMER,  
*Superintendent, Buffalo Office*



## **PART VIII**

### **REPORT OF BUREAU OF INDUSTRIES AND IMMIGRATION**

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## **REPORT OF CHIEF INVESTIGATOR**

**IN CHARGE OF BUREAU OF INDUSTRIES AND IMMIGRATION**

*To the Industrial Commission:*

I have the honor to submit herewith the report of the Bureau of Industries and Immigration for the twelve months ended June 30, 1917.

While the number of immigrants who entered the country has shown but a slight decrease during the year 1917, the State of New York has received for permanent future residence 84,639 out of 216,498 total admissions. The effects of the entrance of the United States into the world war have consistently multiplied our alien problems until to-day the State of New York is confronted with industrial, agricultural and social crises almost wholly dependent upon its immigrant population for solution. That the industries of New York State are dependent on alien labor for the continuance of their successful and profitable production, is an admitted fact; that the agricultural productivity of the state is at present utterly dependent upon repopulating our abandoned farms with alien farmers is also a fact. Therefore two dangers of utmost gravity confront New York State which our entrance into war has enhanced. First, the destruction of our source of supply for alien labor and the depletion of our present available force; and second, the decrease in agricultural production and growing demand for food supplies.

The first of these problems has been created by the inroads made upon our existing supply of labor by industrial accidents, and since but few laborers are arriving at our immigration stations the question arises: How shall the manufacturers replace those who drop out from this cause, unless some remedy not hitherto seriously considered is at once applied?

### **THE ALIEN VERSUS ACCIDENTS**

Statistics have been compiled by the Chief Investigator during the past year based on 4,000 personal interviews with alien applicants for accident compensation, which clearly prove that 70 per

cent of all applicants appearing before the State Industrial Commission do not understand the English language. It is estimated that the turnover in industries where aliens are employed runs from 15 to 400 per cent, and this, when added to the cost of compensatable accidents, confronts the manufacturers of New York State with a staggering loss in money for which no reasonable remedy has yet been found. Since normal turnover is largely increased by industrial accidents, it is apparent that a large percentage of such accidents are caused by inability of the worker to understand English, and it is clear that none of the very commendable "safety first" movements have yet discovered the cause or provided an adequate remedy to effectively reduce either the cost or the number of such accidents. This needless outlay must be understood to include not only the actual cost of compensation, but the economic loss to the State of the difference in the productivity of a hardy laborer and that of an incapacitated wreck of humanity, who will eventually become an additional burden as a public charge or another pensioner of industry. Apart from the conservation of life and limb a knowledge of English aims at more complete sharing of thought and better understanding in industry. This means not only conservation of time and temper, but a larger productive power in every industry employing aliens. In the 60,000 factories of the State of New York, 2,000,000 workers are employed, of whom approximately 1,600,000 are foreign born. Of these, 400,000 are unable to read or write even in their own language, 800,000 cannot understand or speak English. This is a condition which makes democracy impossible and is a barrier to industrial progress. How to reach these handicapped workers and enable them to be worth more and so to earn more and be less liable to injury and incapacitation is our problem. Classes to teach English in factories should be organized as rapidly as employers can arrange to do so. Training classes for teachers should be established by state and city boards of education, without delay or further parleys concerning departmental dignity or precedence. The need of such a measure is too nearly a calamity for further official delinquency on the part of state and city boards of education to be tolerated.

Five years ago the coming and going, the hiring and firing, of the alien worker was unregarded. Ellis Island could produce

many more where he came from. Five years ago the economic aspect of unregulated turnover was rarely considered of grave importance. Today the war has forced upon our manufacturers the consequences of an abnormal turnover. To-day a world war lacerates all roads to immigration, the immigrant laborer has become an individual who counts. Moreover the stoppage in immigration comes at a time when we are facing the greatest industrial crisis and the greatest labor crisis that the world has ever known. Hundreds of thousands of our most efficient workers have been recruited from workshops to which untrained substitutes must be supplied, and hundreds of thousands of our alien workers are being withdrawn through industrial accidents which might be prevented. The slowing down of our industries under such tremendous loss of man power is inevitable and we cannot afford to slow down; our very existence depends on our continued driving ahead. These facts must be faced and every proposition having any relationship to this tremendous wastage must be considered by any manufacturer who expects to maintain his profitable production, and retain his industrial importance.

One of our most pressing needs, if we desire to conserve our present supply of unreplaceable labor, is to teach English to foreigners in schools, in factories, in Young Men's Christian Associations and Young Men's Hebrew Associations, but teach English for safety, for humanity, for sound business in hazardous industries, and for patriotism in those that are non-hazardous!

During the year 1914, the first year in which the Workmen's Compensation Law was effective in New York, there were 40,000 compensated and 225,000 reported accidents. In 1915 there were 50,000 compensated out of 270,000. In 1916, from a total of 313,000 accidents, 58,500 were compensated, costing \$11,500,000 or \$40,000 a day, and at the present writing reports of accidents are being filed at the rate of 1,000 a day, or at a cost of \$13,000,-000 per year as an additional expenditure, to which must be added the cost of medical benefits, administration of the compensation law, wages and cost of turnover, which have increased the total direct and indirect cost of accidents in New York State to \$35,000,000 or at the rate of about \$117,000 per day, for 1917. Let us pause and consider what these figures mean to our state!

They mean a loss of the efficiency of 1,168,000 working men in four years! They mean a loss in New York State alone during the four years of the war in killed, injured and incapacitated through industrial accidents equal to 8 per cent of the killed, injured and incapacitated of twelve nations during the whole period of the war; 14½ per cent of the total casualties of the entire allied armies; 17 per cent of the casualties of the Central Powers; 25 per cent of the total killed, injured and incapacitated in Russia; 51 per cent of the total killed, injured and incapacitated in France. Nearly twice the total number of casualties in Great Britain; over three times the total number of casualties in Roumania; over four times the total number of casualties in Italy; nearly ten times the total number of casualties in Belgium; and over eleven times the total number of casualties in Serbia during the same period of time.

At a recent conference of the National Committee of One Hundred, under the auspices of the United States Bureau of Education at Washington, representatives of school boards from Rhode Island, Massachusetts, Connecticut and Michigan, as well as New York City, were agreed on the fact that night schools did not adequately reach the illiterate adult alien. The minutes of that conference will prove conclusively that while night schools in the first term show a good registration, at the beginning of the second term this attendance actually declines, with the result that for several years the Board of Education in New York City has not used entirely the appropriations granted for night school purposes. Out of 500,000 foreign-born illiterates in the City of New York, the evening schools last year succeeded in reaching only about 55,000 and of these, few were non-English speaking aliens. The 1914 report of the Bureau of Industries and Immigration recommended, "compulsory school attendance for every illiterate alien over sixteen years of age residing in the State of New York." Could such an amendment to the Compulsory Education Law be enacted, the necessity for supplying teachers especially trained to conduct classes in factories would be evident to both the New York City and State departments of education. Such teachers are not available now. All educators are agreed that night schools do not solve this grave problem and while some

of the young and energetic are reached through the combination of the community center and the night class, the vast majority of the older men and women after a hard day's work have neither the desire nor the mental or physical ability to absorb instruction. Can a man attend a night class when his body is numb with weariness? Can he absorb any instruction or concentrate on lessons when his mental faculties are paralyzed by such exhaustion of body?

The relationship existing between compensation, turnover and alien illiteracy, and its enormous cost in money and efficiency is bad in times of peace, but now, during this war of devastation, it is a tragedy. The alien who enters our country physically sound and, owing to his illiteracy, becomes physically broken, becomes an added economic burden and is in addition grievously sinned against. Every common laborer is an asset to this country; his economic value increases or diminishes in comparison to his productivity. For his employer or his adopted country to permit him to become a liability when in a period of only sixty hours he can be converted into an asset to himself, his employer, and the state, savors of industrial as well as social and political negligence. If the factory foreman does not understand the alien's language, the non-English speaking worker is inadequately supervised and is handicapped in the performance of the work for which he is employed. His orders come from the foreman; he cannot look to anyone else for instructions, and every employer knows the cost of scrapping materials due to this sort of inefficiency. These various conditions of human waste which cost our industries an expenditure of more than \$35,000,000 per year in money and more than 360,000 casualties in man power could be rapidly and appreciably decreased if aliens were taught to understand the one language that for the benefit of the laborer, the foreman, the employer, and the state, becomes a necessity in promoting the public welfare.

#### THE ALIEN VERSUS AGRICULTURE

The second great problem with which the state of New York finds itself confronted is its lack of agricultural development, a condition which is largely attributable to neglect of its alien population. The increasing manufacturing supremacy of the

State which has served to withdraw our young men from rural districts to cities, and from the farms to the shops, has created a constantly decreasing area of productive lands until to-day, confronted as we are by a shortage in foodstuffs, we find within our state millions of acres of fertile but unproductive land. In New York, out of a total of 22,030,367 acres of farm lands only 8,250,000 are actually under cultivation and, out of a population of 10,250,000 but 375,000 are engaged in agricultural pursuits. At the present period of our national history this situation is a calamity. With the creation of the Federal land banks, immediate stimulation should have been given to our agricultural development, but, as is usually the experience of a newly organized movement, defects in system became apparent that reacted with fatal effect, which nothing but time and laborious adjustment can remedy. The enactment of the farm loan system was a great constructive act of legislation, but less than one-half of the applications for loans have been granted and the consequent decrease in agricultural production is, meanwhile, approaching calamitous proportions. If financing loans are to remain dependent upon the sale of farm loan bonds at this time, when the resources of the nation are drained by the demands of numerous war and charitable expenditures, our abandoned farms not only can not be repopulated, but in another year further failure and under-production will have reached a critical stage.

The bulk of our immigrants from Austro-Hungary, Southern Europe and Russia now resident in New York State are agricultural people, but most of them, contrary to their desires, have been employed as laborers in factories or other industrial occupations, drifting from place to place as their services are demanded. They crowd the large industrial centers, remaining strangers to our language, to American ideas, life and ideals, and without reasonable facilities for assimilation. For these reasons thousands of them have each year wandered back to their fatherland taking millions of American dollars out of this country. Notwithstanding the fact that their ancestors have been tillers of the soil for generations a remarkably small portion of these agricultural peoples, especially in the last two decades, have become farmers. Those, however, who did so settle down, are to-day a valuable asset to

the nation because of their diligence and thoroughness in farming, gardening and cattle-raising. The several reasons why such a small percentage of our immigrants have acquired land and settled as farmers are:

1. They have been victimized by "land sharks."
2. Lack of facilities to learn the English language.
3. The large amount of ready money necessary for purchase of farms and for acquiring modern up-to-date farming implements.

The gravity of the food situation created during war time by the small amount of acreage under cultivation in the State of New York cannot be overestimated. No one can doubt that the underproduction of foodstuffs in another year will have become critical unless every available source of cultivation is intensely stimulated. To win this war we must not only train fighters but farmers, not only supply beef, pork and mutton but bread, beans and potatoes and while the possible increase in production in this one state can not greatly affect the national situation, it can help those of us living in this state, and by moving some thousands of farmers and their families from the congested centers of the cities, can directly increase our producing capacity and lessen the strain upon our distributing facilities.

The contemplated remigration of several million alien residents of the United States will, if it occurs after the war, still more seriously cripple our labor market, now almost hopelessly strained; and moreover those emigrants who are able-bodied men will not be permitted by their respective governments to return. Making them farm owners before that exodus occurs will be the only logical way of retaining them and their money in this country.

The selective draft has made serious inroads into our agricultural population. In the United States out of 1,057,363 accepted and now serving in our army, 205,731 were withdrawn from agricultural pursuits and of this number 5,940 were withdrawn from the already underpopulated and crippled farms of New York State. The gravity of this situation can not be overestimated. In the first year of the war England made the same mistake and corrected it. We should have profited by her experience. The Government has exempted men to build ships, why not to produce

food? Shortage of food affects the war policy of the nation and must inevitably have an effect on any peace proposals requiring definite support. No nation can hold out for dominating peace terms when it is starving.

#### REASSURANCE MEETINGS

When war was declared, this Bureau was soon in possession of information to the effect that thousands of subjects of the Central Powers living in New York State had become panic stricken and were withdrawing their money amounting to hundreds of thousands of dollars from the State and Postal Savings Banks, under the impression that the United States Government would confiscate their money and property. The first call of distress came from the Wickwire Steel Company at Tonawanda, New York, which employs 1,500 Hungarians, and within twenty-four hours through the Buffalo office, a Sunday mass meeting at that plant had been arranged. It was conducted in Tonawanda where 500 aliens gathered in one of the shops, and were advised and reassured as to the safety of their money, property, and positions so long as they remained law-abiding and peaceful, and did not commit any treasonable acts against the Government. As the beneficial effect of these meetings became apparent, requests from employers became so numerous that mass meetings of from one to three thousand aliens were conducted subsequently in Buffalo, Batavia, Niagara Falls, Massena, Utica, Rome, Troy, Schenectady, Mineville, New York, Yonkers and Potsdam, in which cities the foreigners marched in a body to the meetings which were conducted in theaters, schools or armories and were addressed by members of the Bureau staff both in English and in the languages of each nationality represented. For the cooperation extended to the Bureau in organizing and conducting these assemblages, our thanks are extended to public officials, defense committees, editors, employers and educators in all of the cities visited.

#### LAWYERS

It has long been the custom of several lawyers in New York city to make a practice of soliciting cases from foreigners who have been injured in the coal mines and on the railroads of

Pennsylvania, and then instituting legal proceedings against the corporations either in the New York County or the southern District United States courts.

At the time of the solicitation the agents for these lawyers state to their prospective clients that they will take the case upon a 50 per cent contingency basis, and that the attorneys whom they represent will pay all expenses incurred, and deliver to the plaintiff after successful trial or settlement 50 per cent of the amount of judgment obtained. After such cases have been prosecuted to the end of judgment or settlement, these lawyers present to their victims charges for exorbitant expenses against the amount recovered and finally deliver to the plaintiff only the remainder after these charges have been deducted from the plaintiff's share of the award. After the retainer has been signed, the plaintiff is instructed to come to New York for the purpose of establishing a residence in order to bring the action in this district, and by following this procedure they cause the plaintiffs to perjure themselves as to their actual legal residence.

Another method employed after the award has been delivered to the attorney, is to turn over a nominal sum of the amount recovered and "borrow" the balance back from the client. Sometimes this loan is repaid in small monthly payments, without interest, and frequently, not at all.

This Bureau has investigated these cases and has conferred with the District Attorney in reference to prosecution for these exploitations, and it is hoped in the near future by such prosecution to wipe out this nefarious practice which entails court charges on the State of New York that are altogether unjustifiable.

#### MEDICAL

Since the crusade, conducted by this Bureau, on museums for advertising cures of venereal and chronic diseases in the city of New York, this class of frauds has been reduced to a minimum here, but in several instances they have removed their offices to other localities, and prosecutions in other cities of the State have already been instituted for violations of the law; in one instance an indictment is pending against a defendant who is, at the present time, a fugitive from justice.

Undoubtedly, by the passage of section 1142-a of the Penal Law which was passed at the last session of the Legislature and which went into effect September 1, 1917, a deterrent effect upon this class of impostors will result.

#### FOREIGN MONEY TRANSMISSIONS

There have been numerous complaints filed with the Bureau in relation to foreign money transmission, but it is almost impossible to prosecute this class of cases owing to the war conditions at the present time.

#### GENERAL SURVEY

During the fiscal year just ended, there have been 1,040 complaints received by this Bureau, and of this number 791 were amicably settled. The complainants received their money through the assistance of this Bureau, without being compelled to go to the expense and trouble of employing a lawyer and going into court. It is difficult to realize the hardship an alien is obliged to go through if compelled to institute court proceedings when he is unable to speak English. It is true that in most of the courts there are interpreters, but nevertheless the alien must have someone to whom he can state his case before he goes into court, in order that his complaint can be properly prepared; therefore, when the case is settled without the alien being compelled to go to court, it relieves him of much loss of time from work as well as trouble and anxiety. Eighty-six cases were referred to public authorities and 92 cases were referred to private agencies. It should be understood that in cases referred to public authorities or private agencies, these cases are always prepared before they are submitted and referred to the various agencies, and care is taken that the agencies receiving them, know the exact facts in every instance. Nine thousand and eighty-eight dollars and eighty-eight cents was collected during the year without cost or loss of time from work to the complainant.

During the year 135 lodging house licenses were issued. Due to the present conditions, inspection of lodging houses has become one of the most important functions of this Bureau. Lodging house keepers have generally shown a desire to comply with the law and a general improvement in conditions has been noted.

Many lodging houses have gone out of business since the proclamation of war. The exodus of reservists has made serious inroads into the business.

Owing to war restrictions, general conditions on the docks are improved. Investigators continue inspections however; frequent arrests have been made of hotel runners, public porters and persons who are defrauding alien passengers.

Four hundred and thirty-five labor camps were inspected during the year and general conditions are much improved. The conditions have improved, not alone in the railroad camps, but also in the cannery and other labor camps, and there has been a general spirit of cooperation among the employers. Suggestions of the Bureau are almost invariably complied with.

MARIAN K. CLARK,

*Chief Investigator*

COMPARATIVE SUMMARY OF WORK

	1911	1912	1913	1914	1915	1916*	1917
Complaints received.....	515	1,112	2,121	3,482	2,071	1,044	1,040
Advice and information.....	551	380	798	2,571	2,244	942	948
Total.....	1,066	1,492	2,919	6,053	4,315	1,986	1,988
Inspections.....	1,588	1,821	1,779	13,522	5,043	3,749	4,189
Thereof: Labor camps.....	272	238	185	1689	824	†	435
Lodging places.....	40	616	448	11,130	1,424	760	1,151
Other.....	1,276	967	1,146	11,703	2,795	2,989	2,803
Reinspections.....	§	501	289	§	325	146	§
Investigations.....	749	844	1,838	3,029	2,160	1,472	1,381
Total investigations and inspections.....	2,337	3,166	3,906	6,551	7,528	5,367	5,570
General activities:							
Correspondence.....	§	§	§	11,902	5,828	3,013	4,150
Office conferences.....	§	§	§	1,539	1,081	795	972
Miscellaneous actions.....	§	§	§	864	651	587	557

\* This fiscal year consists of nine months, October 1, 1915, to June 30, 1916.

† Inclusive of re-inspections.

‡ All labor camp inspections in 1916 were made after June 30, 1916, i. e., after the termination of the fiscal year.

§ Data not available.

## COMPLAINTS

RECEIVED

SUBJECT	Total	Thereof involving violation of law	Settled by bureau
Accidents.....	6	.....	2
Assault.....	1	.....	1
Baggage.....	2	.....	2
Banks.....	38	8	19
Benevolent societies.....	3	.....	3
Disorderly houses.....	2	.....	1
Domestic relations.....	6	.....	2
Employment agencies.....	45	2	7
Frauds.....	66	.....	39
Insurance.....	5	.....	3
Labor camps.....	104	17	103
Lawyers.....	22	1	16
Loans.....	2	.....	.....
Lodging house violations.....	11	11	1
Lost articles.....	1	.....	1
Lost immigrant.....	1	.....	1
Notaries.....	1	.....	.....
Real estate.....	3	.....	1
Steamship ticket agencies.....	22	2	18
Wages.....	569	2	481
Miscellaneous.....	130	.....	90
<b>Total.....</b>	<b>1,040</b>	<b>43</b>	<b>791</b>

## COMPLAINT CASES INVOLVING VIOLATION OF LAW

SUBJECT AND LAW	Number of cases
<b>Banks:</b> Banking Law, Article IV.....	<b>8</b>
<b>Employment agencies:</b> Laws, 1910, chapter 514.....	1
Laws, 1910, chapter 700.....	1
<b>Lawyers:</b> Penal Law, section 270.....	1
<b>Lodging places:</b> Laws, 1912, chapter 543.....	11
<b>Steamship ticket agents:</b> Chapter 415, Laws 1911.....	2
<b>Wages:</b> Labor Law, section 10.....	1
Labor Law, section 11.....	1
<b>Labor camps:</b> Rules, Industrial Code.....	17
<b>Total.....</b>	<b>43</b>

## GEOGRAPHICAL SOURCE OF COMPLAINTS

## NOTES

- 1 = Both parties residing within the boundaries of New York State.  
 2 = One party residing within New York State and the other without the State.  
 3 = Both parties residing in the same State, outside of New York State.  
 4 = Both parties residing interstate — outside of New York State.

SUBJECT	1	2	3	4	Total
Accidents.....	4	2	.....	.....	6
Assault.....	1	.....	.....	.....	1
Baggage.....	2	.....	.....	.....	2
Banks.....	32	6	.....	.....	38
Benevolent societies.....	2	1	.....	.....	3
Disorderly houses.....	2	.....	.....	.....	2
Domestic relations.....	5	1	.....	.....	6
Employment agencies.....	44	1	.....	.....	45
Frauds.....	60	6	.....	.....	66
Insurance.....	4	1	.....	.....	5
Labor camps.....	103	1	.....	.....	104
Lodging place violations.....	11	.....	.....	.....	11
Lawyers.....	18	3	.....	1	22
Lost articles.....	1	.....	.....	.....	1
Loans.....	2	.....	.....	.....	2
Lost immigrant.....	1	.....	.....	.....	1
Notaries.....	1	.....	.....	.....	1
Steamship ticket agencies.....	19	3	.....	.....	22
Real estate.....	3	.....	.....	.....	3
Wages.....	473	94	1	1	569
Miscellaneous.....	92	38	.....	.....	130
<hr/>					
Total.....	880	157	1	2	1,040
<hr/>					

## REQUESTS FOR ADVICE AND INFORMATION

SUBJECT	Verbal	Written	Total
Accidents.....	111	33	144
Agricultural opportunities.....	.....	3	3
Assault.....	10	1	11
Assistance.....	.....	12	12
Baggage.....	5	.....	5
Banks.....	1	11	12
Bankruptcy.....	2	3	5
Breach of contract.....	5	.....	5
Deportation.....	.....	5	5
Domestic relations.....	9	4	13
Education.....	.....	4	4
Employment.....	37	36	73
Employment agencies.....	16	4	20
Federal immigration acts.....	10	40	50
Federal military draft.....	.....	10	10
Foreign affairs.....	.....	3	3
Frauds.....	.....	12	12
Information re cases in hands of other agencies.....	24	7	31
Insurance.....	2	3	5
Labor camps.....	.....	2	2
Lawyers.....	3	13	16
Legal advice.....	33	12	45

REQUESTS FOR ADVICE AND INFORMATION — (*Continued*)

SUBJECT	Verbal	Written	Total
Loans.....	5	9	14
Lost articles.....	.....	7	7
Lost immigrants.....	.....	8	8
Merchandise.....	.....	7	7
Naturalization.....	15	80	95
Real estate.....	8	19	27
Relief and assistance.....	6	.....	6
Steamship ticket agencies.....	6	12	18
Stocks.....	1	7	8
Translations.....	5	.....	5
Transmission.....	5	25	30
Wages.....	84	46	130
Miscellaneous.....	37	70	107
	440	*508	948
	=====	=====	=====

## INSPECTIONS

NAME	Total
Docks and ferries.....	533
Employment agencies.....	885
Immigrant lodging places.....	1,151
Labor camps.....	435
Brickyards.....	139
Canneries.....	92
Fertilisers.....	6
Highways.....	80
Mines and quarries.....	62
Railroads.....	53
Miscellaneous.....	3
Medical.....	142
Money transmission.....	194
Notaries.....	256
Porters and runners.....	124
Steamship ticket agencies.....	30
Miscellaneous.....	439
Total.....	4,189
	=====

\* Of these, 226 were from places outside of New York State.

## MATTERS REFERRED TO OTHER AGENCIES

	Complaints	REQUESTS FOR ADVICE AND INFORMATION		Total
		Verbal	Written	
Bonded attorneys.....	4	19	4	27
Canadian Government.....			1	1
City Court.....		6	.....	6
Commissioner of Licenses.....	39	11	1	51
Consuls:				
Austria-Hungary.....		3	.....	3
France.....		2	.....	2
Italy.....		1	.....	1
County Clerk.....		1	.....	1
County Superintendent of the Poor.....	1	3	.....	4
District Attorney.....	14	3	2	19
Domestic Relations Court.....	2	1	.....	3
Erie County Medical Society.....	5	.....	.....	5
Legal Aid Societies.....	78	33	3	114
Michigan Banking Department.....			1	1
Municipal Employment Bureau.....		17	.....	17
New Jersey Commission on Immigration.....	1	.....	.....	1
New York City Board of Health.....	1	.....	.....	1
New York County:				
Bar Association.....	2	.....	.....	2
Medical Society.....	3	.....	.....	3
New York State:				
Agriculture Department.....		.....	1	1
Banking Department.....	8	2	1	11
Comptroller.....	2	.....	.....	2
Industrial Commission.....	2	71	15	88
Pennsylvania Department of Labor.....			4	4
Police Department.....	14	4	1	19
State Compensation Commissions:				
Connecticut.....		.....	1	1
Kentucky.....		.....	1	1
Minnesota.....		.....	1	1
West Virginia.....		.....	1	1
State Industrial Commissions:				
Michigan.....		.....	1	1
Ohio.....		.....	2	2
United States:				
District Attorney.....	1	.....	1	2
Immigration Authorities.....	1	9	6	16
Naturalization Court.....		2	10	12
Treasury Department.....		.....	1	1
Widows' Pension Bureau.....		1	.....	1
	178	189	59	426

## LICENSING OF LODGING HOUSES

	FISCAL YEAR		
	1917	1916*	1915
Licenses issued.....	135	135	202
Fees collected.....	\$1,575	\$1,145	\$1,725
Inspections.....	1,151	760	1,424
Rate cards issued.....	1,022	1,938	2,822

## CASES

SUBJECT	Closed	Pending	Total
Accidents.....	2	.....	2
Assault.....	1	.....	1
Baggage.....	2	.....	2
Banks.....	19	8	27
Benevolent societies.....	3	.....	3
Disorderly houses.....	1	.....	1
Domestic relations.....	2	1	3
Employment agencies.....	7	.....	7
Frauds.....	39	.....	39
Insurance.....	3	2	5
Labor camps.....	103	.....	103
Lawyers.....	16	4	20
Lodging place violations.....	1	10	11
Lost articles.....	1	.....	1
Lost immigrant.....	1	.....	1
Notaries.....	.....	1	1
Real estate.....	1	1	2
Steamship tickets.....	18	4	22
Wages.....	481	18	499
Miscellaneous.....	90	22	112
	791	71	862

## LICENSES APPROVED

SUBJECT	Number
Expressmen.....	203
Porters.....	140
Runners.....	95
Total.....	438

## MONEY SETTLEMENTS

SUBJECT	Amount
Accidents.....	\$3,057 60
Assault.....	100 00
Banks.....	989 21
Domestic relations.....	7 00
Frauds.....	192 00
Information and advice.....	1,230 77
Insurance.....	6 00
Lawyers.....	25 00
Steamship ticket agents.....	231 04
Wages.....	2,761 92
Miscellaneous.....	488 45
Total.....	\$9,088 99

\* This fiscal year consisted of nine months, ended June 30, 1916.

**PART IX**

**REPORT OF BUREAU OF INDUSTRIAL CODE**

[271]



**REPORT OF DEPUTY COMMISSIONERS  
IN CHARGE OF BUREAU OF INDUSTRIAL CODE**

*To the Industrial Commission:*

Herewith is submitted the report of the Bureau of Industrial Code for the fiscal year ending June 30, 1917.

During this period, the Bureau has been principally engaged in the work of formulating rules and regulations for carrying into effect the broad and general provisions of the Labor Law. This work is done by the advisory committee method. These committees are composed of representatives of employers and employees of the interests and industries affected. Serving also on these committees are experts in the various lines in the employ of the Commission, as well as consulting engineers and experts outside of the Commission.

On June 30, 1917, the following committees were at work: Artificial Light; Dangerous Machinery; Width of Aisles in Factories; Trough Water Closets; Mines and Quarries; Boilers; Dangerous Trades; Wood Alcohol, and other poisonous substances; Elevators; Smoking.

There are at present engaged in this work eighty-eight (88) persons. A total of forty-four (44) full-day meetings were held, in addition to which there were held a great many meetings of subcommittees and conferences with different members, as well as inspections of factories which were made by the entire committee. These inspections were for the purpose of working out in a practical manner subjects on which the committee could not otherwise agree, and for the purpose of getting first-hand knowledge of conditions in and about the particular industry under consideration.

Five (5) public hearings were held on proposed rules relating to trough water closets, and six (6) public hearings on rules relating to boilers. The rules relating to boilers have been adopted by the Industrial Commission and now form part of the Industrial Code, and are published in Bulletin No. 14, which contains a complete set of rules relating to the construction,

installation, inspection and maintenance of steam boilers. That part of these rules relating to the construction of boilers was recommended by the American Society of Mechanical Engineers. After a careful study and thorough examination and analysis, it was found to meet the requirements of the state and was incorporated in our rules.

We might mention, in connection with the inspection of steam boilers, that Section 91 of the Labor Law requires the inspection of boilers either by inspectors in the employ of this Commission, or in the employ of a duly authorized insurance company. Inspectors of this Commission are, before employment, required to pass an examination as to their fitness, whereas, before the adoption of the rules relating to boilers, inspectors in the employ of insurance companies were not. By the adoption of these rules, such inspectors are now required to pass examination as to their knowledge of the construction, installation, maintenance and repair of steam boilers and their appurtenances. These examinations are conducted by a Board of Examiners appointed by the Industrial Commission, and represented on this Board are the boiler manufacturers, duly authorized insurance companies, the operating engineers, and the Boiler Inspection Division of the Industrial Commission. This is considered a great advance in the protection of industrial workers.

In addition to the rules adopted by the Industrial Commission during the period that this report covers, there are several committees about ready to report, and we expect that in the very near future, rules permitting the use of trough water closets will be adopted, and public hearings will be held on rules permitting smoking in factories (under certain restrictions), rules relating to mines and quarries, and rules for the guarding of dangerous machinery.

We have recommended that additional committees be appointed to formulate rules relating to the following subjects: Prevention of accidents in building operations; mercantile establishments; protection of window cleaners; protection of women in hazardous occupations; installation and maintenance of sprinkler systems.

In connection with this work, it must be borne in mind that the members of the various committees, other than those in the

employ of the Commission, serve without compensation, and we again urge the appropriation of an increased sum from which may be paid their actual and necessary traveling expenses, as we find that the sum appropriated by the Legislature in 1917 was inadequate for the purpose.

The entire stenographic and clerical help necessary in the prosecution of this work was furnished by the Bureau.

The Bureau has continued its work in relation to petitions for variation from the requirements of the Labor Law and Industrial Code, and during the year received two hundred and five (205) petitions. One hundred and eighty-three (183) public hearings were held in accordance with the provisions of section 52-a of the Labor Law. After the consideration of all data, examination of plans and, in many cases, inspection of the premises, resolutions setting forth our recommendations were prepared and submitted to the Industrial Commission.

The Bureau received and passed upon seventy-nine (79) applications for the approval of such devices and construction as fire alarm apparatus, mechanical devices, plumbing materials, first-aid kits, fireproof construction, fireproof windows, and fireproof doors.

The Board of Approval which is connected with this Bureau, and which was appointed for the purpose of examining and reporting on material submitted for use in the construction of fire alarm systems, held four (4) meetings and recommended the approval of forty-seven (47) pieces of apparatus.

The permanent force of the Bureau consists of two (2) Deputy Commissioners and two (2) stenographers.

All of which is respectfully submitted.

THOMAS C. EIPPER,  
RICHARD J. CULLEN,  
*Deputy Commissioners.*



**PART X**

**REPORT OF BUREAU OF FIRE HAZARDS,  
BOILERS AND EXPLOSIVES**

[277]



## REPORT OF CHIEF ENGINEER

### IN CHARGE OF BUREAU OF FIRE HAZARDS, BOILERS AND EXPLOSIVES

*To the Industrial Commission:*

Herewith is submitted the report of the Bureau of Boilers and Explosives for the fiscal year July 1, 1916, to June 30, 1917.

#### BOILER INSPECTION

Boilers inspected.....	2,475
Boiler orders issued.....	633
Boiler orders complied.....	884
Boilers tagged for noncompliance with law.....	18
Boilers condemned.....	32
Boiler explosions investigated.....	12
Boiler investigations.....	4,101
Boiler certificates issued.....	2,212

#### MAGAZINE INSPECTION

Magazines inspected.....	828
Magazine orders issued.....	446
Magazine orders complied.....	452
Magazine investigations.....	455
Magazine certificates issued.....	776

#### FINANCIAL

Boiler inspection fees.....	\$12,310
Magazine license fees.....	7,970
	<u>\$20,280</u>

The most important work accomplished this year was the preparation of a boiler code consisting of rules and regulations relating to the construction, installation, inspection and maintenance of steam boilers and known as Bulletin No. 14 of the Industrial Code.

On October 5, 1916, Commissioner Louis Wiard appointed the following advisory committee to prepare a tentative boiler code: Deputy Commissioner Thomas C. Eipper, Chairman; Deputy Commissioner Richard J. Cullen, Chief Engineer George A. O'Rourke, and Messrs. Michael Fogarty, Joseph H. McNeill, James G. Shaw, Thomas E. Durban, Charles F. Gorton, H. J. Rente, Mark A. Daly, John McDonald, Thomas Fitzgerald, W. Knox, J. A. Mullaney.

The committee was comprised of representatives of the boiler manufacturing interests, insurance companies, associated manufacturers, labor interests and the Inspection Bureau of the Commission.

The first meeting of the Advisory Committee was held at Buffalo on November 28, 1916. At this meeting the Chief Engineer of the Bureau of Boiler Inspection submitted for the consideration of the committee a proposed set of rules which he had been working on for some time. There was a reading and general discussion on this proposition and it was decided to leave the matter open as Mr. O'Rourke and Mr. Eipper had been instructed by the Commission to attend the American Boiler Code Congress, held at Washington, D. C., on December 4 and 5, 1916.

In seeking to obtain information so that the latest and best rules and regulations adopted by other states would be considered by the Advisory Committee, the Chief Engineer attended the First Ohio Boiler Inspectors' Convention, held at Columbus, Ohio, on August 17 and 18, 1916, where he conferred with representatives from other states that had boiler laws in operation.

I wish to take this opportunity of expressing my appreciation and acknowledging the assistance rendered and the information given me by Mr. Thomas E. Durban, Chairman of the Board of Boiler Rules of the American Society of Mechanical Engineers, the Industrial Commission of Ohio, Mr. George A. Luck of the Massachusetts Board of Boiler Rules, and Mr. John R. Brownell of the Industrial Accident Commission of California.

The Advisory Committee also held meetings on January 18 and 19, 1917, at Syracuse; January 26, 1917, at Albany, and February 1 and 2, 1917, at New York. At the New York meeting on February 2, 1917, the committee finished the consideration and revision of the proposed set of rules submitted by the Chief Engineer and recommended them to the Commission as a proposed code, and asked that they be printed and public hearings be held as provided by Section 52 of the Labor Law.

Public hearings on the proposed rules were held at Buffalo, April 9, 1917; Rochester, April 10, 1917; Syracuse, April 11, 1917; Utica, April 12, 1917; Albany, April 13, 1917, and New York on April 17, 1917.

All of the public hearings were well attended by representatives of the manufacturing interests and chambers of commerce and the proposed rules were read and discussed at each meeting and all suggestions were noted for future consideration by the Advisory Committee. At every hearing general approval was expressed of the proposed boiler code.

On May 3, 1917, the Advisory Committee held a meeting at New York to consider the changes suggested at the public hearings.

On May 14, 1917, the Advisory Committee held a meeting to consider changes of the A. S. M. E. code which Mr. Durban submitted. The Advisory Committee finished its work at this meeting and submitted its report to the Industrial Commission.

The rules contained in the proposed code were adopted by the Commission in accordance with the requirements of Sections 51-a and 52 of the Labor Law. Rules 800-821 and paragraphs 378-409 were to become effective July 1, 1917, and paragraphs 1-377 and 410-430 to become effective January 1, 1918.

At all the hearings held throughout the State on the proposed boiler code, resolutions were adopted that all boilers in mercantile establishments, hotels and other buildings should be under the same jurisdiction as boilers in factory buildings. I am in hearty accord with all the recommendations that were made at these hearings and I, therefore, recommend that Section 91, Chapter 347, Laws of 1915, be so amended that it would include all boilers which carry a steam pressure of more than fifteen pounds to the square inch, excepting such boilers as are under the jurisdiction of the Federal authorities and the Public Service Commission, and that the law be further amended so that it will compel cities which are exempt under this section to enforce the provisions of the Boiler Code adopted by the Commission.

The boiler laws of the states of Massachusetts, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, Minnesota and California apply to all boilers which carry a steam pressure of more than fifteen pounds to the square inch.

The adoption of this Boiler Code will greatly increase the work of this Bureau and the present force is only sufficient to do the work under the present requirements of the law. It will require at least five more boiler inspectors to properly inspect the boilers

throughout the State and will therefore necessitate a larger clerical force. I would request that two more stenographers and two more clerks be added to the office force to efficiently carry out the requirements of the Boiler Code.

I would also recommend that the salaries of the boiler inspectors, which is \$1,200 per annum, be increased to \$1,500 as paid in almost every other state where boiler laws are in operation. I consider that the above amount is a low enough salary for the experience they must have in order to perform the duties of a boiler inspector.

Section 91 of the Labor Law requires that inspection reports of boilers insured and inspected by duly authorized insurance companies must be filed with the Commission. Rule 806-b requires that the insurance companies' inspectors who inspect boilers operated in this State shall hold certificates of competency issued by the Commission. Rule 807 provides that certificates of competency be issued to boiler inspectors of insurance companies after they have passed a written examination before a Board of Examiners which is composed of representatives of water tube boiler manufacturers, fire tube boiler manufacturers, duly authorized boiler insurance companies and a representative of each of the following labor interests: boilermakers, firemen and engineers. The following were appointed by the Commission to serve on the Board of Examiners:

Commissioner James M. Lynch, Chairman; George A. O'Rourke, Chief Engineer, Bureau of Boiler Inspection; George B. Hunt, Secretary and Treasurer, Ames Iron Works, Oswego; James G. Shaw, Supervising Inspector, Travelers Indemnity Company, New York city; Joseph H. McNeill, Chief Inspector, Hartford Steam Boiler Inspection and Insurance Company, New York city; George C. Purington, Stationary Firemen, Buffalo; George Muir, Boiler Makers; George Riley, Steam Operating Engineers; Norman S. Slee, Babcock & Wilcox Company, New York city.

The following are the duly authorized insurance companies doing a business of boiler inspection in this State:

Travelers Indemnity Company; Hartford Steam Boiler Inspection and Insurance Company; Employers' Liability Assurance

Corporation; Globe Indemnity Company; Royal Indemnity Company; Ocean Accident and Guarantee Corporation, Ltd.; London Guarantee and Accident Company; Maryland Casualty Company; Fidelity and Casualty Company.

Twenty-five thousand boiler inspection reports have been received and filed from these companies.

There were twelve boiler explosions during the year, all of which were investigated and reports filed with the Commission. None of these boilers came under the jurisdiction of this Department as provided by Section 91 of the Labor Law.

We wish to acknowledge the hearty cooperation by all the duly authorized insurance companies in the preparation of the Boiler Code, especially the Travelers Indemnity Company, who assigned Mr. James G. Shaw, who has charge of their New York office, and the Hartford Steam Boiler Inspection and Insurance Company, who assigned Mr. Joseph H. McNeill, who is in charge of their New York office, to represent the insurance interests on both the Advisory Committee of the Boiler Code and the Board of Examiners as provided in Rule 807 of the Code.

This Department has adopted the following rules, and they have been recommended by the Institute of Makers of Explosives.

#### GENERAL RULES

A competent person should always be in charge of explosives, magazines in which explosives are stored, keep magazine keys, and be responsible that all proper safety precautions are taken.

If artificial light is needed, use only an electric flash light or electric lantern. Do not use oil-burning or chemical lamps, lanterns, candles or matches.

Do not carry or allow others to carry matches.

Do not allow shooting or allow anyone to have cartridges or firearms.

Do not allow unauthorized persons near explosives.

Keep constant watch for broken, defective or leaky packages.

Do not allow metal bale hooks or other metal tools to be used.

Do not open or re-cooper packages with metal tools.

Do not use empty high explosive cases or powder kegs.

Do not have blasting caps or electric blasting caps with or near explosives.

Do not leave explosives unless they are stored in a magazine or in charge of responsible persons.

Do not carry blasting caps or electric blasting caps or any explosives in your pockets, or leave them around where children or others can meddle with them.

Do not store, use or handle explosives in or near a residence.

Do not leave cars between trips, either loading or unloading, unless car is locked or guarded.

Do not allow explosives to become wet or be exposed to the weather.

Do not throw packages of explosives violently down or slide them along floors or over each other, or handle them roughly in any manner.

#### TRANSPORTING EXPLOSIVES

In transporting explosives avoid all unnecessary stops. Do not haul through cities, towns or villages when possible to avoid it, but where this is necessary keep off congested thoroughfares, street car tracks and dangerous crossings.

Do not leave any vehicle containing explosives unless team is securely tied and brakes set, or if motor truck is used, motor should be stopped and brakes set.

Do not carry blasting caps or electric blasting caps in the bed or body of a vehicle containing other explosives.

Do not carry metal tools in bed or body of vehicles transporting explosives.

When explosives are on vehicles without tops, they should always be protected from sun and weather by a tarpaulin.

Vehicles and harness used for transporting explosives should always be kept in first class repair. Do not run any risk of vehicles or harness breaking down.

#### STORING EXPLOSIVES

All high explosives should be stored only in fireproof, bullet-proof and weatherproof magazines, properly ventilated.

Black powder should be stored only in fireproof and weatherproof magazines, properly ventilated.

Black powder may be stored with high explosives if the magazine is bullet-proof, fireproof and weatherproof and properly ventilated.

Blasting caps and electric blasting caps should be stored in fireproof and weatherproof magazines, properly ventilated.

Blasting caps and electric blasting caps should never be stored in the same magazine with any other explosives.

Keep the door of a magazine securely locked when not engaged in the magazine.

Keep ground around magazines clear of leaves, grass, trash, stumps or debris to prevent fire reaching them.

If leak develops in magazine roof or walls, repair it at once.

Always ship, deliver or use oldest stock first.

When powder and dynamite are both stored in one magazine, store each explosive separately.

Dynamite boxes should be laid flat, top side up. Powder should be stored with kegs standing on ends, bungs down, or on sides, "seams down." Corresponding grades and brands should be stored together, and in such manner that brand and grade marks will show. All stocks should be stored so as to be easily counted and checked and so that oldest stocks can be delivered or used first.

Always be on the lookout for dynamite cases showing stains of any nature

caused by leakage of any substance from within the case and report it immediately.

Powder kegs should be thoroughly shaken by hand sufficiently often to prevent caking. Don't knock against floor or each other.

Magazine floors should be regularly swept and kept clean. Destroy sweepings from dynamite magazine by burning. Destroy sweepings from powder magazine floors by throwing them in water.

In case magazine floors become stained with nitroglycerin, scrub well with a stiff broom, hard brush or mop with a solution composed of one-half gallon water, one-half gallon wood alcohol and two pounds sulphide of sodium. Use plenty of the liquid so as to thoroughly decompose the nitroglycerin.

When magazines require any repairs on the inside of the magazine, all explosives should be removed to a safe distance and protected. If black powder has been stored in the magazine, wash the floor well with water before the repairs are made. If dynamite has been stored in the magazine and there are any indications of nitroglycerin stains on the floor, wash this portion of the floor before the repairs are undertaken, as instructed in the preceding rule. In case the floor is badly stained, notify the manufacturer of the goods which are being stored. In making outside repairs, if there is any possibility of causing a spark, fire or explosion, the explosive should be removed to a safe distance from the magazine and properly cared for until the repairs are made. While magazines are being repaired, explosives should be protected from the weather. Don't store them on the ground.

Use a wooden wedge and mallet in opening or closing packages of explosives.

Do not have loose dynamite, powder or blasting supplies exposed in any magazine.

Do not pile damaged or unsalable explosives with salable stocks.

Do not keep or use any steel or metal tools in a magazine, or store any commodity except explosives in a magazine.

Do not store any explosives where they are likely to get wet or absorb moisture.

Do not open packages of explosives or pack or repack explosives in a magazine or within 50 feet of a magazine.

Do not leave explosives lying around where children or people can meddle with them. Always keep them under lock and key in a suitable magazine.

Do not store fuse in a hot place. Fuse should be kept cool and dry.

Do not store any explosives in a dwelling, blacksmith shop, barn or in any place where, in event of an accident, loss of life or property damage might result.

Do not use a magazine for a thawing house.

Do not store primed cartridges in a magazine, i. e., cartridges with detonator attached.

Post magazine rules in every magazine and comply with them.

#### DESTROYING UNSALABLE EXPLOSIVES

Whenever it becomes necessary to destroy damaged explosives, immediately communicate with the manufacturers for advice and instructions.

### REPACKING EXPLOSIVES

When repacking is required or deemed necessary in order to comply with Interstate Commerce Commission Regulations, communicate with manufacturers for advice and instructions.

### DELIVERING EXPLOSIVES

In delivering to customers, when explosives are not placed in a magazine and magazine locked, do not leave them unless they are in charge of some person duly authorized by customer to accept them.

Do not overload vehicles or pile explosives on vehicles so there is any danger of their falling off. Brace packages to prevent rolling or sliding. Pile high explosive cases top side up and black powder kegs on ends, bung up, or on sides, seams up.

Do not stop at a blacksmith shop for repairs or shoeing, with wagons containing explosives.

Do not leave vehicle carrying explosives unless team is securely tied and brakes set, or if motor truck is used, motor stopped and brakes set.

Do not carry blasting caps or electric blasting caps in the bed or body of a vehicle containing other explosives.

Some of the explosives stored in the state are dynamite, 20 per cent to 80 per cent; nitroglycerin, guncotton, trinitrotoluol, picric acid, blasting powder, gunpowder, and blasting gelatins of all kinds.

The following is a schedule of license fees on magazines containing explosives:

Second class magazines, containing not over 50 lbs.....	\$5 00
First class magazines, grade A, containing over 50 lbs. and not over 200 lbs.....	5 00
First class magazines, grade B, containing over 200 lbs. and not over 10,000 lbs.....	10 00
First class magazines, grade C, containing over 10,000 lbs. and not over 20,000 lbs.....	15 00
First class magazines, grade D, containing over 20,000 lbs. and not over 30,000 lbs.....	20 00
First class magazines, grade E, containing over 30,000 lbs. and not over 300,000 lbs.....	25 00

### EXPLOSIVE MAGAZINES

This fiscal year shows a large increase in the number of licenses issued for the storage of explosives as 776 certificates of compliance have been issued this year as against 538 of last year.

The increase in the number of licenses issued is not due to war conditions. In a great many cases concerns discontinued the handling and storage of explosives because the country was at war. The increase in the number of licenses issued is due to the enlarged industrial activities in all branches of business.

Since the declaration of war this Bureau made special efforts to cooperate with the Federal Government so that explosives would not get into the possession of alien enemies. We have taken up this matter with all the explosive manufacturers doing business in this state and have requested them not to sell or make shipments of explosives to anyone in this state who did not have a certificate of compliance from this Department. We have also requested the explosives companies not to deliver dynamite or powder from their distributing magazines unless the purchaser produced evidence that he held a certificate of compliance from this Department.

Section 237 of the Labor Law provides that a record be kept of all sales of explosives in a special book for this purpose which is subject to inspection at all times by representatives of this Bureau.

We have been examining very carefully these records of sales and find it to be the best manner of locating the storage of explosives.

We are pleased to report that there have been no explosions of explosive magazines this year or since the organization of this Bureau on June 1, 1915.

GEORGE A. O'ROURKE,  
*Chief Engineer*



## **PART XI**

# **OPINIONS OF THE ATTORNEY GENERAL CONSTRUING PROVISIONS OF LABOR LAWS**

**COMPILED BY THE BUREAU OF STATISTICS AND INFORMATION**

**[289]**

Note.— In the following pages are printed all of the opinions rendered by the Attorney-General in construing labor laws during the year 1917. Similar opinions of earlier years may be found in previous reports of the Department. The opinions are here arranged under general subject headings. Section numbers in these headings refer to the general Labor Law. Opinions dealing with that law are placed first, arranged according to section numbers, followed by opinions referring to other laws.

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## OPINIONS OF ATTORNEY GENERAL

### APPLICATION OF EIGHT HOUR LAW (§ 3)

- (a) Alms House Employees Performing Manual Labor Are Covered by the Law; Others Are Not—Application of Labor Law to Employees in County Alms Houses—Labor Law, Section 3.

February 9, 1917.

The eight hour provision of the Labor Law applies to employees in a county almshouse performing manual labor and does not apply to employees engaged in work of a supervisory nature, farm service, nursing and domestic service.

#### INQUIRY

The State Industrial Commission desires to be informed as to the application of the eight hour provision of the Labor Law in so far as it relates to the employees of a county almshouse.

#### OPINION

I can do no better than to answer seriatim the various inquiries contained in your letter of February 7th with reference to the application of the eight hour provision of section 3 of the Labor Law to employees in a county almshouse.

The "engineer," you state, "fires boilers and takes charge of the separating of the milk and makes butter." As the manual labor in the firing of boilers would commonly classify the employee as a laborer, I conclude he should be so classified despite the fact that he performs other work which might be regarded as farm service. The eight hour provision therefore applies to the engineer.

The "matron" performs service principally of a supervisory and superintending nature. She should not be classified as a laborer or workman. The eight hour provision does not apply to her.

The "farm foreman," in addition to his duty as overseer, I take it, does farm work continuously with the "two teamsters and farmers," so that even if he were not without the provisions of section 3 on the same reasoning as is the matron, he still would fall within the exception in section 3 with reference to farm service. The eight hour provision does not apply to the farm foreman.

"Two teamsters and farmers" are engaged in farm service and are not within the application of section 3.

The "keeper" is not a laborer. His service is supervisory and superintending as is the matron's and more so. The eight hour provision is inapplicable.

The "night watchman" falls within the eight hour provision. He performs manual labor by "keeping fires to heat the boilers during the night."

The "practical nurses" "prepare meals for the inmates of the hospital in addition to their actual nursing duties." This is all hospital or nursing

work of a trained and special nature and is not generally looked upon as labor. The eight hour provision does not apply.

What service the "two women attendants" perform you do not state and simply from the name of their position I am unable to infer.

The "dining room girls," "keeper's cook," "cook in county kitchen and seamstress" are all engaged in domestic service, excepted from section 3 of the Labor Law.

E. E. WOODBURY,  
*Attorney-General.*

By MERTON E. LEWIS,  
*First Deputy.*

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To HON. JAMES M. LYNCH, *Chairman of State Industrial Commission, Albany, N. Y.:*

**(b) War is Not An Extraordinary Emergency.**

*June 5, 1917.*

War is not an extraordinary emergency within the meaning of the Labor Law affecting suspension of the eight hour a day rule.

**INQUIRY**

Is war an "extraordinary emergency" within the meaning of section 3 of the Labor Law?

**OPINION**

It is quite clear that due to the war there are very moving reasons why this policy should be adopted. However, I fear that the only method under which such suspension could be made would be direct authorization by the Legislature.

The Labor Law, as it now stands, provides in section 3 that eight hours shall constitute a legal day's work on State contracts and requires, indeed, that the provisions be made physically a part of the contract. It states that men shall not "be permitted or required to work more than eight hours in any one calendar day except in cases of *extraordinary emergency* caused by fire, flood or *danger to life or property.*"

I hesitate to give to these words any broader significance than they have hitherto borne. It seems to me that the draftsman of the statute, in referring to *extraordinary emergency*, and then limiting these emergencies as he did, never contemplated the existence of a state of war. If the words "extraordinary emergency" had not been qualified, I think that we might well say that the existence of a state of war is an extraordinary emergency. However, the statute goes on to refer only to fire, flood or danger to life or property. I believe that this has to do with such emergencies arising actually at the site of the work and not to any general situation existing throughout the United States. Indeed, it is quite usual in legal phraseology, in referring to an emergency caused by war, to use the phrase "Act of God or the public enemy."

It is therefore my opinion that the State in this case is not authorized, under the existing statute, to suspend the eight hour law. What powers the Federal government may exercise in conducting this work as a war measure are beyond the question considered.

MERTON E. LEWIS,  
*Attorney-General.*

To LEWIS F. PILCHER,  
*State Architect.*

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**DAY OF REST LAW (§ 8-A)**

**Variations Under Subdivision 5 of Section 8-a Apply to that Section Only.**

*March 21, 1917.*

HON. EGBERT E. WOODBURY, *Attorney-General, Albany, N. Y.:*

DEAR SIR.—The Industrial Commission directs me to respectfully request your opinion on the following questions:

1. Has the Industrial Commission the power, under subdivision 5 of section 8-a of the Labor Law, to grant a variation from the provisions of subdivision 2, section 93 of the Labor Law, by permitting female workers to operate or use wet grinding emery wheels?
2. Has the Industrial Commission the power, under subdivision 5 of section 8-a of the Labor Law, to grant variations from the provisions of sections of the Labor Law other than section 8-a?

Respectfully yours,  
C. D. O'CONNELL,  
*Acting Secretary.*

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*March 26, 1917.*

STATE INDUSTRIAL COMMISSION, 230 Fifth Avenue, New York City:

GENTLEMEN.—Your letter of March 21 requests our opinion on two questions:

1. Has the Industrial Commission the power, under subdivision 5 of section 8-a of the Labor Law, to grant a variation from the provisions of subdivision 2, section 93 of the Labor Law, by permitting female workers to operate or use wet grinding emery wheels?
2. Has the Industrial Commission the power, under subdivision 5 of section 8-a of the Labor Law, to grant variations from the provisions of sections of the Labor Law other than section 8-a?

We respectfully reply that it is the opinion of this office that the power contained in subdivision 5 of section 8-a of the Labor Law does not extend beyond the subject matter of that section. The subdivision, added in 1915, refers to the "provisions of this act," and not generally (as elsewhere in the Labor Law, see section 51-a) to the provisions of this chapter. Furthermore

chapter 648 of 1915 which enacted subdivision 5 is entitled "An act to amend the Labor Law, *in relation to one day of rest in seven,*" thus indicating that the Legislature was dealing with the day-of-rest law alone.

Several other amendments of 1915 to different sections of the Labor Law, permitting in almost the same language variations from the statute or rules with respect to particular subjects (sections 52-a, 52-d) go also to prove that subdivision 5 of section 8-a was confined to variations from the provisions of that section or rules enacted with respect to the subject matter therein contained.

Both questions you propound are therefore answered in the negative.

Yours very truly,

E. E. WOODBURY,

*Attorney-General.*

By C. T. DAWES,

*Deputy Attorney-General.*

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#### POWERS OF THE STATE INDUSTRIAL COMMISSION

(a) The Commission May Draft Industrial Code for Mercantile Establishments (§ 20-b)

March 7, 1917.

HON. EGBERT E. WOODBURY, *Attorney-General, Albany, N. Y.:*

DEAR SIR.—The Industrial Commission has had under consideration the matter of its obligations under section 20-b of the Labor Law with regard to the formulation of a code of safety rules and regulations applicable to mercantile establishments. The provision in the law is as follows:

All factories, factory buildings, *mercantile establishments* and other places to which this chapter is applicable, shall be so constructed, equipped, arranged, operated and conducted in all respects as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein. The industrial board shall, from time to time, make such rules and regulations as will carry into effect the provisions of this section.

If this section were the only provision in regard to mercantile establishments and factories, it would be clear to the Commission that their powers and responsibility with regard to mercantile establishments was the same as it is with regard to factories. The law, however, makes distinct provision in many other sections with regard to factories, the number and character of exits and stairways, construction and safeguarding of elevators and elevator shafts, sanitary conveniences, etc. These requirements of the law as to factories are, generally speaking, minimum requirements, and the Commission is authorized to make rules and regulations, having the force and effect of law, extending provisions of the law (see opinion of Attorney-General given to the Commissioner of Labor under date of August 26, 1913).

The situation seems to be somewhat different with regard to mercantile establishments. There are no minimum provisions with regard to them in the law. The law has not undertaken to define what is or what is not a safe condition in a mercantile establishment.

If section 20-b is a general grant of authority to the Commission to make a safety code for mercantile establishments, it would seem to be unlimited in its scope. So broad indeed is the apparent grant of power that this Commission hesitates to act under that authority without your advice as to the clear meaning and intent of the section in question.

Will you, therefore, kindly advise the Commission whether it has authority and a duty to formulate and adopt a code of rules and regulations relating to buildings in which mercantile establishments are located prescribing the number and character of exits and stairways, fireproofing of windows and generally requiring such buildings to be maintained in conformity with the rules of the Commission.

Also whether such rules, if they may properly be adopted, may be applied to existing buildings as well as to buildings to be erected in the future.

Respectfully yours,

HENRY D. SAYER,

*Commissioner.*

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March 9, 1917.

STATE INDUSTRIAL COMMISSION, 230 Fifth Avenue, New York City:

GENTLEMEN.—Your letter of March 7, 1917, makes inquiry as to the power of the Commission under section 20-b of the Labor Law, which reads as follows:

All factories, factory buildings, *mercantile establishments* and other places to which this chapter is applicable, shall be so constructed, equipped, arranged, operated and conducted in all respects as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein. The industrial board shall, from time to time, make such rules and regulations as will carry into effect the provisions of this section.

Since the Labor Law does not itself attempt to set forth requirements for mercantile establishments (as it does in many instances for factories) you are in doubt whether your power to make rules and regulations permits the Commission to proceed alone in this field regardless of the absence of foundational legislative requirements as to mercantile establishments.

I have no hesitancy in concluding that the Legislature intended by the above language read in connection with section 51-a to vest the Commission with power to draft a safety code for mercantile establishments, and that such a delegation of power is constitutional. You will observe that the Legislature has provided the "standard" by which the Commission shall be governed, i. e., the Legislature has provided that the rules and regulations must be such as require "reasonable and adequate" protection to the lives, health and safety of the persons employed in such establishments. Such rules would be subject to review by the courts in a proceeding by some person who had been ordered to obey them, and who thought a particular rule not reasonable. The statute therefore falls within the legal principles approved in *Matter of Trustees of Village of Saratoga Springs against Saratoga Gas, Electric Light & Power Co.*, 191 N. Y. 123, and the case of *People v. Klinck Packing Co.*, 214 N. Y. 121.

Your rules may apply to existing buildings as well as to buildings to be erected in the future.

Yours very truly,

E. E. WOODBURY,

By C. T. DAWES,

*Deputy Attorney-General.*

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*Attorney-General.*

(b) The Board of Standards and Appeals of New York City, Not the State Industrial Commission, Has Jurisdiction to Determine Number of Persons Who May Be Employed on Any One Floor of a Factory in New York City (§ 79-e)

September 4, 1917.

HON. LOUIS HAHLE, *Acting Corporation Counsel, Municipal Building, New York City:*

DEAR SIR.—I have been asked to give an opinion with reference to the jurisdiction of the Board of Standards and Appeals and State Industrial Commission with reference to the enforcement of the provisions of section 79-e of the Labor Law.

The manner in which jurisdiction has been conferred upon the Board of Standards and Appeals, together with the amendment as to section 79-e, makes a state of confusion which it is not easy to unravel, and the opinion which I have give with diffidence and without certainty that it is the correct construction of the law.

It seems to me, however, that it is intended to confer upon the Board of Standards and Appeals jurisdiction of the matter specified in section 79-e in reference to the number of persons who shall be employed or permitted or suffered to work on any one floor.

Chapter 503 of the Laws of 1916 is in relation not only to construction and alteration but *occupancy, use and inspection* of buildings and structures in said city. Section 718-a of the charter is added by chapter 503 of the Laws of 1916 providing for jurisdiction and subdivision 3 specifies *adequacy* and means of exit from all buildings, except tenement houses, and provides that all rules and regulations made by the board pursuant to this section shall take the place of the industrial code and of any rules or regulations of the labor department relating to the same subject matter.

Subdivision 4 provides that the board shall "exercise exclusively with respect to buildings situated in the city of New York, the same powers as are conferred upon the industrial commission by chapter seven hundred and nineteen of the laws of nineteen hundred and fifteen."

Chapter 719 of the laws of 1915, in addition to amending sections 52-a and 79-e, amends subdivisions 8, 9 and 10 of section 79-e. It would seem, therefore, that the Board of Standards and Appeals has some jurisdiction under section 79-e, as subdivision 4 of chapter 503 of the Laws of 1916 expressly gives exclusive jurisdiction to it. Subdivision 8 of section 79-e

provides for an increase in the number of persons permitted to be employed on any one floor under the provisions of subdivisions 1, 2 and 3 of this section.

We therefore have jurisdiction and power conferred upon the Board of Standards and Appeals by chapter 719 with reference to subdivisions 1, 2, 3, 8, 9 and 10 of section 79-e, all of which relate to the number of persons who may be employed or permitted or suffered to work on any one floor. As this is the subject under consideration in reference to the application of Albert S. Gottlieb, it would seem to me that the Board of Standards and Appeals has jurisdiction in the matter rather than the State Industrial Commission.

Very truly yours,

MERTON E. LEWIS,

By E. C. AIKEN,

Attorney-General.

*Deputy Attorney-General.*

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(c) The Commission Has Sole Power to Issue Smoking Permits in Factories, Including New York City Factories (§ 83-c)

December 11, 1917.

HON. EDWARD P. LYON, *Department of Labor, Albany, N. Y.:*

DEAR SIR.— Receipt is acknowledged of your letter of November 20 with enclosures. You submit an inquiry relative to subdivision 3 of section 83-c of the Labor Law and ask particularly whether or not the duty of issuing permits for smoking in factories attaches to the State Industrial Commission or to the fire commissioner of the city of New York.

I agree with the conclusion reached by your counsel, Mr. Bonyngé, in his letter of November 19th. Subdivision 3 of section 83-c of the Labor Law provides:

"3. No person shall smoke in any factory but the industrial board in its rules may permit smoking in protected portions of a factory or in special classes of occupancies where in its opinion the safety of the employee would not be endangered thereby. A notice of such prohibition stating the penalty for violation thereof shall be posted in every entrance hall and every elevator car, and in every stairhall and room on every floor of such factory in English and also in such other language or languages as the first commissioner of the city of New York in such city, and elsewhere the commissioner of labor, shall direct. The fire commissioner of the City of New York in such city, and elsewhere, the commissioner of labor shall enforce the provisions of this subdivision."

It will be noted that these provisions, especially those dealing with the permits of the Industrial Board, are of state-wide application, while the provision for enforcement is alone made local so far as New York city is concerned. This differs from section 83-a of the Labor Law relating to fire alarms and fire drills, section 83-b relating to automatic sprinklers and subdivisions 1 and 2 of section 83-c relating to receptacles, etc. In those cases the duty to make the rules and regulations and to issue permits is expressly granted, by the *Legislature*, to the New York city fire commissioner.

The subdivision of section 83-c now to be construed is far less local in its scope and I am of the opinion that it is not within the power of the Industrial Commission to grant to the New York City fire commissioner any authority greater than that which has been given to him by the Legislature itself. It may be true that the conditions in New York city are peculiar, but the lawmaking body has not seen fit to recognize this, so far as smoking is concerned. I believe the intent is clearly disclosed that these permits are to be granted under a consistent policy applicable to factories all over the state and that the Legislature has granted this authority to the central body having statewide jurisdiction.

I, therefore, conclude that the special jurisdiction of the New York city fire commissioner extends only to the enforcement of the provisions of subdivision 3 of section 83-c and as they may be from time to time modified by the permits issued by the State Industrial Commission. In other words, if no permits whatever are issued, the fire commissioner in the city of New York will see to it that there is no smoking in any factory, for this is expressly forbidden by the legislation.

Where the Industrial Commission limits the application of the statute "in protected portions of a factory or in special classes of occupancies," it will be the duty of the fire commissioner of the city of New York simply to determine whether or not anything more than is permitted is being done and then to prevent such violation. I know of no reason why the Industrial Commission, in forming its opinion as to whether or not "the safety of employees would not be endangered" by the permit, should not turn to New York city officials for such information as they may possess in regard to the risks involved. However, the sanction or endorsement of the fire commissioner of the city of New York upon any permit is not required under the statute. It may be that the records of your department now have a poverty of information relative to factory conditions in New York city since so much of the administrative work, relative to Labor Laws, has in that municipality been turned over to the local officers. This embarrassment, I believe, can only be cured by an amendment to the statute transferring the administrative work, to issue permits, to the local officers or providing for a complete survey of New York city factories.

Very truly yours,

MERTON E. LEWIS,

*Attorney-General.*

By EDWARD G. GRIFFIN,  
*Deputy Attorney-General.*

LICENSES AND COLLECTION OF FEES IN BUREAU OF EXPLOSIVES  
(ARTICLE 15-A)

The Commission's Jurisdiction Extends to Cities Having a Department of Public Safety.

August 2, 1917.

HON. M. E. LEWIS, Attorney-General, Albany, N. Y.:

DEAR SIR.— Please refer to Article 15-a of the Labor Law — Explosives — and to section 238 of that article, wherein it is provided that "In any city of the state having a department of public safety and connected therewith a bureau of explosives or combustibles, the provisions of this article shall be enforced by such local authorities."

You will also note in section 235 that "Every person engaging in the keeping and storing of explosives shall pay an annual license fee," etc.

Query: Does a city having a bureau of explosives or combustibles, as defined in the law, enforce all of the provisions of the article, including the issuance of licenses and the collection of license fees; and if the collection of license fees, to whom shall these fees be paid? If such a city has full and complete jurisdiction including the issuance of licenses, do the license fees as fixed by the State Industrial Commission apply?

Sincerely,

JAMES M. LYNCH,  
Commissioner.

—  
August 3, 1917.

HON. JAMES M. LYNCH, State Industrial Commission, Department of Labor, Albany, N. Y.:

DEAR SIR.— In reply to your inquiry of the 2nd instant would say that it is my opinion that the license fees as fixed by the State Industrial Commission apply in cities having a Department of Public Safety, and that they should be paid to the State Treasurer. It may be a question as to whether the Commissioner of Labor or the Department of Public Safety, in a city having such a department, should collect the license fee. I think, however, you should collect the license fee until such collection is interfered with, when the question might be tested.

Very truly yours,  
MERTON E. LEWIS,  
Attorney-General.

By E. C. AIKEN,  
Deputy Attorney-General.

## WORKMEN'S COMPENSATION LAW

(a) Election of Steamship Companies and Their Employees to Come Under the Workmen's Compensation Law (§ 2, grs. 8, 10, and final part).\*

June 14, 1917.

HON. MERTON E. LEWIS, *Attorney-General, Albany, N. Y.*:

DEAR SIR.— Since the decision of the United States Supreme Court in the Winfield and Jensen cases some of the steamship companies have expressed their wish to come under the Compensation Law, notwithstanding those decisions, by way of election if it is possible to do so.

Will you kindly give us your opinion as to whether such companies would receive protection against the suit in the United States courts, if they elected to come under the Workmen's Compensation Law of this state, whether, if they did elect, a workman who did not sign and file with us his opposition to such election would be concluded, and, in any event, what the position should be of this Commission if such a company makes election to come under our law?

Yours very truly,

EDWARD P. LYON,  
*Commissioner.*

June 15, 1917.

HON. EDWARD P. LYON, *230 Fifth Avenue, New York City:*

DEAR SIR.— In reply to your request for an opinion in the matter of steamship companies electing to come in under the Compensation Law would say that under the opinion in the United States Supreme Court in the case of Erie Railroad Co. against Winfield we think that either the employer or the employee in case of accident could raise the question that the remedy was either in admiralty or under the Federal Liability Law, as the case might be. I enclose an excerpt from that opinion upon the question of election.

It may be said further that under the wording in group 43 which provides "any employer not carrying on one of the employments enumerated in this section, etc., etc.," the right to election is confined to those who are not specified in one of the preceding groups. As railroads and steamship companies are already specified in the preceding groups it may be a question as to whether they would, under the wording of the law, be entitled to take such an election.

Yours very truly,  
MERTON E. LEWIS,  
*Attorney-General.*

By E. C. AIKEN,  
*Deputy Attorney-General.*

\* An Act of Congress signed by President Wilson, October 6, 1917, and an Act of the Legislature of New York, L. 1918, ch. 249, have bestowed upon the State Industrial Commission the powers relative to steamship companies denied by the Supreme Court of the United States in the case cited in this opinion, *Southern Pacific Co. v. Jensen*, 244 U. S. 205.

## (b) Liability of Insurers upon Return to Them of Moneys Paid into State Fund (§ 27)\*

February 23, 1917.

HON. EGBURT E. WOODBURY, Attorney-General, Albany, N. Y.:

DEAR SIR.—The disposal of the moneys paid into the Aggregate Trust of the State Fund upon commutation of death benefits under section 27 of the Compensation Law, has been given very careful consideration by the Commission and its Counsel, and the Commission is of the opinion that under the decision of the Court of Appeals the safest thing to do is to return the money to the parties who contributed to the fund in every instance, thus completely clearing the Commission of all responsibility for the fund. The proposition is to fix a date in the not distant future at which all re-payments will be made. Payment of compensation to injured workmen and their beneficiaries will be made down to the date thus fixed; the fund will be given the benefit of such interest as it has actually earned; the total amounts of compensation heretofore paid, together with those paid hereafter, will be deducted as will also a proper proportion of the loading for administrative expenses; the balance will then be returned pro-rata to the employers who have paid the money in. In other words, we propose giving to the contributors to the fund, the benefit of the fund as it actually exists with all increments, less such payments as have been made which the employers contributing to the fund would have had to pay had the commutations not been made.

We called today a conference of all contributors to this fund and a very large number of them, including some of the largest contributors, were present, and they agreed without a single dissenting voice, that if this was the wish of the Commission and the Attorney-General should advise it could be legally done, they would favor such action. Will you kindly let us know at the earliest possible moment whether you see any objection to this course? It has seemed to the Commission that under the rulings of the court such a course would not only be paying proper deference to the decision of our highest court, but would be the safest and wisest thing to do.

We should like you to particularly consider the question whether, if this money is returned as proposed, the insurance carriers would be legally liable for all future compensation the same as though the money had not been paid in, bearing in mind that the statute, under which we assume the right to call for the moneys, provided, that when the money was so paid the insurance carrier should be relieved of all liability for future payments of compensation. Our theory, of course, is that the money having been illegally called in, the payment did not relieve the insurance carrier from future liability, and, therefore, on re-payment of the money the same would be received subject to the original liability to pay compensation.

Yours very truly,

EDWARD P. LYON,  
Commissioner.

\* Amendments of Workmen's Compensation Law, § 27, by L. 1917, ch. 705, effective July 1, 1917, have bestowed upon the State Industrial Commission the powers denied by the courts in the case cited in this opinion, Adams v. New York, Ontario & Western Ry. Co., 175 App. Div. 714; 220 N. Y. Rep. 579.

February 26, 1917.

HON. EDWARD P. LYON, 230 Fifth Avenue, New York City:

DEAR SIR.—Your letter of the 23rd inst. at hand. In reply I would say that I approve of your action and see no objection to the course taken.

In reference to the liability for future compensation on the part of self-insurer, I think the Commission should take a receipt from the self-insurer or insurance carrier, assuming the legal liability for all future compensation as though the money had not been paid into the Commission. That I think would cover the point you raise.

Very truly yours,

E. E. WOODBURY,

By E. C. AIKEN,

Attorney-General.

Deputy Attorney-General.

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(c) Readjustments Incident to Return to Insurers of Money Paid into State Fund (§ 27)\*

March 15, 1917.

HON. EGBERT E. WOODBURY, Attorney-General, Albany, N. Y.:

DEAR SIR.—In view of the situation in which the Commission finds itself as a result of the decision of the Court of Appeals in the case of Adams vs. New York, Ontario & Western Railway, the Commission has decided to return to all the self insurers and mutual companies, the amounts paid in by them to the aggregate trust fund created under Section 27 of the Act. This fund amounts, roughly speaking, to \$600,000, part of which is invested in various securities such as are enumerated in Section 13 of the Insurance Law. These securities are in the hands of the State Treasurer as custodian.

The State Insurance Fund has cash in its surplus and reserve funds about \$200,000. The Commission is of the opinion that there is no legal objection to selling some of the funds held in the aggregate trust fund to the State Insurance Fund and that such sale can be accomplished by a mere transfer on the books of the State Treasurer. The Commission desires your advice, however, as to the rate at which such transfer could be made. Can it sell the securities placed in their hands by the State Treasurer and when the originally purchased, or should the securities be transferred at the current market value, as nearly as it can be ascertained, on the date when such transfer is made?

After selling such of the securities as the State Fund is able to buy from the aggregate trust, there will remain possibly \$200,000 of securities that will have to be sold in the open market for cash. I assume that the law in

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\* Amendments of Workmen's Compensation Law, § 27, by L. 1917, ch. 705, effective July 1, 1917, have bestowed upon the State Industrial Commission the powers denied by courts in the case cited in this opinion, Adams v. New York, Ontario & Western Ry. Co., 175 App. Div. 714; 220 N. Y. Rep. 579.

regard to the investment of the surplus and reserves of the State Fund would also apply in selling the securities of the aggregate trust. Section 93 prescribes that any of these funds may be invested pursuant to a resolution of the Commission approved by the Superintendent of Insurance; then provides for placing the securities in the hands of the State Treasurer and for drawing upon the State Treasurer for the amount of money necessary to pay for the same. The section concludes with the following sentence:—"The Commission may, upon like resolution approved by the Superintendent of Insurance, sell any of such securities."

In order to obtain an offer for the securities, and to make a prompt delivery, the Commission feels that it would be advisable for them to have the securities placed in their hands by the State Treasurer and when the sale is made, to deliver the securities, all of which are in registered form, together with proper authority for transferring the same, upon the receipt by them of a certified check for the purchase price. Such check might be drawn to the order of the State Treasurer as custodian. A check would thereupon be immediately transmitted to the State Treasurer to be deposited in his account for the aggregate trust and would thereafter be subject to withdrawal by the Commission upon regular checks. It has seemed to us that such an arrangement would afford ample protection to the State Treasurer and would make possible the quick turn over of the securities that the situation requires.

However, before making request upon the State Treasurer, will you kindly advise me whether such an arrangement is a proper one to be made under the law, and also advise me as to the other points raised in this letter.

I am sending a copy of this communication to the State Treasurer.

Respectfully yours,

HENRY D. SAYER,  
*Commissioner.*

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March 16, 1917.

HON. HENRY D. SAYER, *State Industrial Commission, 230 Fifth Avenue, New York City:*

DEAR SIR.—In reply to your letter of the 15th inst., in reference to the transfer and sale of certain securities in the aggregate trust fund, received.

So far as the transfer from one fund to another is concerned, I can not see as it matters as to whether the securities are transferred at the price at which they were originally purchased or at the current market value. It is a mere method of bookkeeping. You have to settle with the self-insurers upon the basis of the amount paid in by them and such interest as is agreed to or decided upon, without reference to the securities.

In reference to the sale of securities in the open market, I have talked with Mr. Wells with reference thereto and I think it will be satisfactory to him if you pass a resolution providing that certain securities be sold for the purpose of paying the self-insurers, and that he be requested to deliver those securities to the Commission upon receipt showing the purpose thereof

and that a check for the avails of the sale of said securities shall be made out to him, in his name as State Treasurer, and then give him a receipt, following such resolution and the delivery of the bonds.

He probably would have the power to refuse to deliver the bonds, unless upon receipt of a certified check for the purchase price, but he is disposed not to stand in the way of prompt sale of the securities.

Very truly yours,

E. E. WOODBURY,

*Attorney-General.*

By E. C. AIKEN,

*Deputy Attorney-General.*



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